GENDER DIMENSIONS OF REGIONAL COOPERATION
AND INTEGRATION IN SOUTH ASIA

GENDER AND SAFE MOBILITY:
Promising Global and Regional Practices

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Acronyms

ADB	Asian Development Bank
AHRCDF	Asian Human Rights and Culture Development Forum
AHTU	Anti-Human Trafficking Units
ASEA	Association of South East Asian Nations
BAIRA	Bangladesh Association of International Recruiting Agencies
BADP	Border Area Development Program (India)
BBA	Bachpan Bachao Andolan (India)
BBC	British Broadcasting Corporation
BBS	Bangladesh Bureau of Statistics
BMET	Bureau of Manpower, Employment and Training (Bangladesh)
BOESL	Bangladesh Overseas Employment Services Limited
BOFE	Bureau of Foreign Employment (Sri Lanka)
BOMSA	Bangladesh Ovibashi Mohila Sramik Association
BWMA	Bangladesh Women Migrants' Association
CAC	Central Advisory Committee
CAG	Community Alert Group
CARAM Asia	Coordination of Action Research on AIDs and Mobility - Asia
CAWC	Crimes Against Women Cells
CBS	Central Bureau of Statistics
CDS	Centre for Development Studies (India)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESLAM	Centre for the Study of Labour and Mobility
CNN	Cable News Network
CRC	Convention on the Rights of the Child
CTLC	Community Technology Learning Centres
DEMO	District Employment Manpower Office (Bangladesh)
DGET	Directorate General of Employment and Training (India)
DHS	Department of Homeland Security (United States)
DoFE	Department of Foreign Employment (Nepal)

DSW	Domestic Service Workers
ECOWAS	Economic Community of West African States
EMPHASIS	Enhancing Mobile Population's Access to HIV and AIDS Services, Information and Support
EPS	Employment Permit System
EU	European Union
FEONA	Federation of Nepal Foreign Employment Orientation Agencies
FEPB	Foreign Employment Promotion Board (Nepal)
FET	Foreign Employment Tribunal (Nepal)
GAMCA	Gulf Cooperation Council Approved Medical Centres Association
GECU	Gender Empowerment Coordination Unit (Nepal)
GFMD	Global Forum for Migration and Development
G-G	Government to Government
GoN	Government of Nepal
GR	General Recommendation
HIV/AIDS	human immunodeficiency virus/acquired immunodeficiency syndrome
HOME	Humanitarian Organization for Migration Economics
HRD-Korea	Human Resources Development Korea
ICM	India Centre for Migration
ICPS	Integrated Child Protection Scheme
ICT	Information and Communications Technology
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IOM	International Organization for Migration
IPC	Indian Penal Code
ITPA	Immoral Traffic Prevention Act (India)
JITCO	Japan International Training Cooperation Organization
JWG	Joint Working Group
KWCD	Khmer Women's Cooperation for Development
MBPU	Mobile Border Processing Unit
MoEWOE	Ministry of Expatriates' Welfare and Overseas Employment (Bangladesh)
MoFALD	Ministry of Federal Affairs and Local Development (Nepal)
MoHA	Ministry of Home Affairs (India)
MOIA	Ministry of Overseas Indian Affairs
MoLE	Ministry of Labour and Employment (Nepal)
MoU	Memorandum of Understanding
MoWCSW	Ministry of Women, Children and Social Welfare (Nepal)
MRC	Migrant (Workers') Resource Centre

MTV	Music Television
MVF	Mamidipudi Venkararangaiya Foundation (India)
MWCD	Ministry of Women and Child Development (India)
MWPC	Migrant Workers Protection Society
NCW	National Commission for Women (India)
nd	No date
NDWM	National Domestic Workers' Movement (India)
NAFEA	Nepal Association of Foreign Employment Agencies
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission (India)
NIDS	Nepal Institute of Development Studies
NLRC	National Labour Relations Commission (Philippines)
NNAGT	National Network Against Girl Trafficking
NWC	National Women's Commission (Nepal)
OFW	Overseas Filipino Workers
OIFC	Overseas Indian Facilitation Centre
OKUP	Ovibashi Karmi Unnayan Program
OWWA	Overseas Workers Welfare Administration (Philippines)
PIRS	Personal Identification Registration System
PNCC	Pravasi Nepali Coordination Committee
POE	Protector of Emigrants
POEA	Philippines Overseas Employment Administration
RMMRU	Refugee and Migratory Movements Research Unit (Bangladesh)
RRRI	Rescue, Recovery, Rehabilitation and Recovery
RSBY	Rashtriya Swasthya Bima Yojana
SAARC	South Asia Association for Regional Cooperation
SAIEVAC	South Asia Initiative to End Violence against Children
SaMi	Safer Migration Initiative
SARTUC	South Asian Regional Trade Union Council
SDF	SAARC Development Fund
SIM	Savings and Investment Mobilization Program
SOP	Standard Operating Procedure
SSR	Security Sector Reform
STIs	Sexually Transmitted Infections
TIP	Trafficking in Persons
UAE	United Arab Emirates
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Fund

UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNESCO	United Nations Education, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNRISD	United Nations Research Institute for Social Development
US	United States
USD	United States Dollars
USSR	United Socialist Soviet Republics
VDP	Bangladesh Ansar-Village Defense Party
WARBE	Welfare Association of Repatriated Employees (Bangladesh)
WEWB	Wage Earners' Welfare Board (Bangladesh)
WMW	Women Migrant Workers
WOREC	Women's Rehabilitation Centre

Introduction

Background

Migration in its multiple dimensions has become an established feature of the contemporary social and economic world both globally and regionally.[1] The United Nations General Assembly High Level Dialogue on International Migration and Development described the current times as an "era of unprecedented human mobility" (UNDESA 2003: 1).[2] Though large-scale migration is considered necessary and desirable due to demographic pressures, development needs, and labour demands, it still has not received the kind of attention it deserves, especially in terms of ensuring "adequate protection of the human rights of all migrants…"(IOM 2013a). The challenge of protecting the rights of migrants has grown with the feminization of labour migration as well with the growth of irregular migrants and the increase of labour migration in the informal sector.[3]

The specific issues faced by women migrants have been highlighted by international organizations for two decades. In 1996, the International Labour Organization noted that Asian women made up the "fastest growing category of the world's burgeoning, 35-million plus population of migrant workers." The report outlined the hazards and difficulties migrant women often encounter and called for great global collaboration to address their needs and ensure that their rights were respected (ILO 1996).

In the context of South Asia, migration flows are diverse, ranging from internal movements, to movements across borders, and to international flows. In recent years there has been an increase in the number of women migrating abroad. To address this issue, governments in the region and civil society actors have been working to protect and advocate for the rights of migrant women at the local, national and international levels. Despite these measures, the issue of safe mobility of women continues to be a cause for concern.

Objectives of the Study

To address the issue of gender and safe mobility, this report includes an analysis of both the "hard" (physical infrastructure and equipment such as border infrastructure, passenger holding facilities and surveillance cameras) and "soft" (regional, bilateral and/or country-

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[1]   For the purposes of this study, the definition of migration has been adopted from IOM which defines migration as 'a process of moving, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, uprooted people, and economic migrants' (IOM 2004: 41).

[2]   In 2013, the number of international migrants worldwide reached 232 million, an increase of 57 million, or 33% compared to 2000 (UNDESA 2013).

[3]   Women account for 48% of the global migrants (UNDESA 2013: 7).

specific policies, programmes, mechanisms, and institutional linkages) aspects of safe mobility. More specifically, the study:

- Investigates the multifaceted aspects of migration in and from the region and examines its social and gendered nature;
- Documents regional cooperation and integration initiatives aimed at addressing cross-border mobility issues; and
- Examines existing global, regional and national initiatives and identifies good practices that promote safe mobility and address the risks and impacts of unsafe migration.

It is important to note that although the report broadly covers the South Asian region, the focus is on three countries: Bangladesh, India and Nepal. Rather than critically examining the existing policy frameworks and initiatives in these countries, the study focuses on a broad range of regional and global good practices that would help further enhance the reforms that are currently underway in South Asia. Admittedly, the practices discussed in the report are not exhaustive; neither do they fully capture the broad gamut of issues pertaining to gender and migration. However, the good practices discussed here do provide a basis for knowledge sharing and point to measures that countries in South Asia can consider adopting in order to address the growing concerns emerging from unsafe migration, particularly by women. Ultimately, it is hoped that the report will serve as a tool to assist governments and other stakeholders take stock of good practices from around the world and consider additional steps that can be taken in order to better respond to the risks and impacts associated with unsafe migration.

Framework for Analysis

This study approaches the issue of migration through a gender lens in order to foster a more integrated, holistic approach. "Gender analysis" is taken to mean the collection and analysis of sex-disaggregated information in order to explore the relationships between and among diverse men and women as it pertains to migration; the distinct ways in which migration affects their lives; the differential needs of men and women as these pertain to policies, institutions and practices; and the constraints and challenges they face relative to each other (UNDP 2001, UNESCO 2006). The report places special emphasis on issues related to women because of the higher vulnerabilities they tend to experience in the migration process.

Another point for conceptual clarification is the difference between mobility and migration. In general, migration refers to movement from one place of residence to another but mobility can also include movements such as commuting and travel to access goods. Migration generally covers longer distances and is less frequent whereas mobility can be frequent movement over shorter distances. In this regard, migration is separate from mobility due to its spatial as well as temporal dimensions (Willis 2010). While there has been a general focus on migration in many international discussions, the broader concept of "mobility" has been adopted in this report.

The basic framework used in this report is presented in Figure 1. The framework is based on the premise that given the gender division of labour, the economic and social ramifications of migration and mobility vary for males and females. As a result, gender-differentiated movements have differential impacts, both positive and negative. On one hand, migration

has the potential to reconfigure gender relations and power inequalities by providing "new opportunities for women and men to improve their lives, escape oppressive social relations, and support those who are left behind" (Haque 2005). But migration can also expose people to new and unexpected risks due to abusive working conditions, insecure legal status, exposure to health risks and other factors. Thus issues of safe mobility need to be conceptualized as a way of maximizing benefits from migration while also ensuring the rights and welfare of migrant workers.

Figure 1: Framework of the Study

Mobility and Migration

Provide new opportunities for women and men to
- Improve their lives
- Escape from social and economic vulnerablities
- Support those who are left behind

Expose women and young people (male and female) to new vulnerabilities as a result of their
- Legal status
- Exploitative working conditions
- Exposure to certain health risks
- Increased risk of gender-based violence

Safe Mobility
Maximize benefits from migration and ensure the rights and welfare of female migrant workers

In the sections that follow Chapter 2 discusses the broader trends and patterns of migration in South Asia. Chapter 3 considers national, regional and international policies and regulatory frameworks. Chapter 4 examines promising initiatives within South Asia, focusing on institutional structures, private initiatives and practices which are important in terms of knowledge and experience sharing within the region. Chapter 5 draws on global good practices that could contribute to the ongoing efforts within the region to address the issues of gender and safe mobility. Finally, Chapter 6 provides a short conclusion, highlighting key findings.

Migration Trends in South Asia

This chapter discusses the general nature and trends of migration in the South Asian region as a whole and in three countries—Bangladesh, India and Nepal—in particular. It provides an overview of the migration flows in the region before providing a brief profile of migrants using the categories of gender, age, education level, and sectors of work. The chapter then deals with various migration processes such as cross-border migration and labour migration in the region, followed by a brief discussion about the social, economic and health impacts of migration. The chapter ends with the conclusion that migration remains a salient feature of South Asia, particularly as a viable livelihood option for men and women, thus under-scoring the need to ensure safe mobility of migrant workers, particularly women.

Migration Flows

Home to 23 per cent of the world's population (Reddy and Jeyaranjan 2013), South Asia also houses 40 per cent of the global poor (Sumner 2012). Growing population pressures, economic imbalances, natural disasters and political instability are some of the factors that prompt significant numbers of people to migrate within the region and internationally (See Figure 2).[4]

Figure 2: Number of Migrants from South Asia, 2013

Source: UNDESA 2013.

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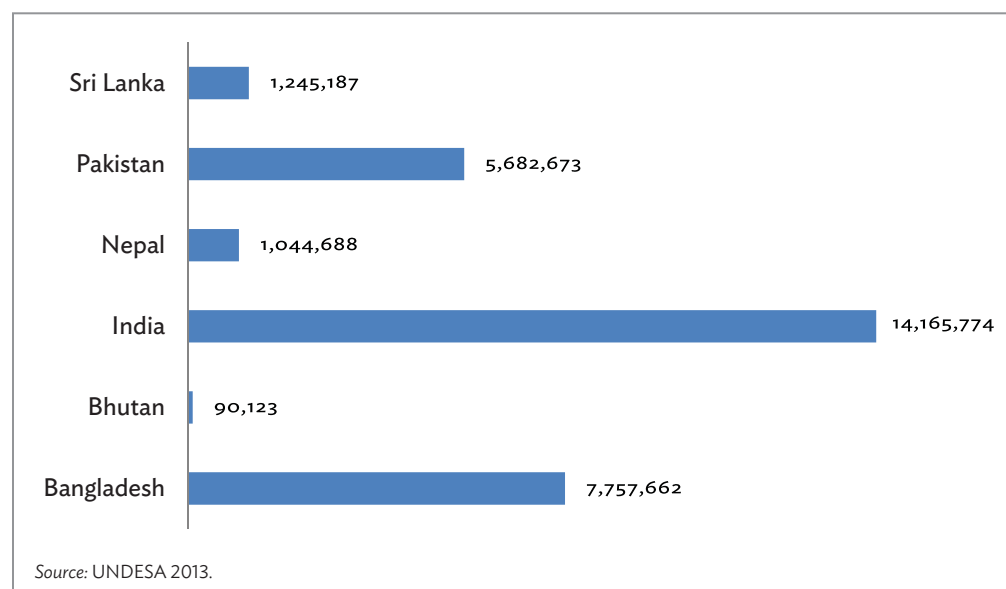
[4]   The term 'regional migration' is used to denote the movement of people or a group of persons across an inter-national border but within the South Asia region. 'International migration,' also commonly referred to as 'cross border migration' is defined as the movement of a person or a group of people across an international border but outside the South Asia region.

Almost all countries in South Asia are migrant-sending countries. While India is both a traditional and emerging destination, there are an increasing number of Indian migrants in Bangladesh and Nepal.[5] Countries such as Bangladesh, India and Sri Lanka have also been serving as transit countries for many migrants from within and outside the region (Table 1).

Table 1: Migration Status in South Asia

Country	Origin	Destination	Transit
Bangladesh	X	X	X
India	X	X	X
Nepal	X	X	
Sri Lanka	X		X

Source: Adapted from Wickramasekara 2011.

As shown in Figure 3, over the years the net migration flows (i.e., the difference between the number of persons entering a country [immigrants] and leaving a country [emigrants]) in the region has moved towards a negative trend, meaning that South Asian countries, including India and Pakistan which were previously considered major migrant-receiving countries, are now migrant-sending countries.[6]

Figure 3: Net Migration Flows in South Asian Countries

Source: World Development Indicators (data.worldbank.org, accessed on 10 August 2014)
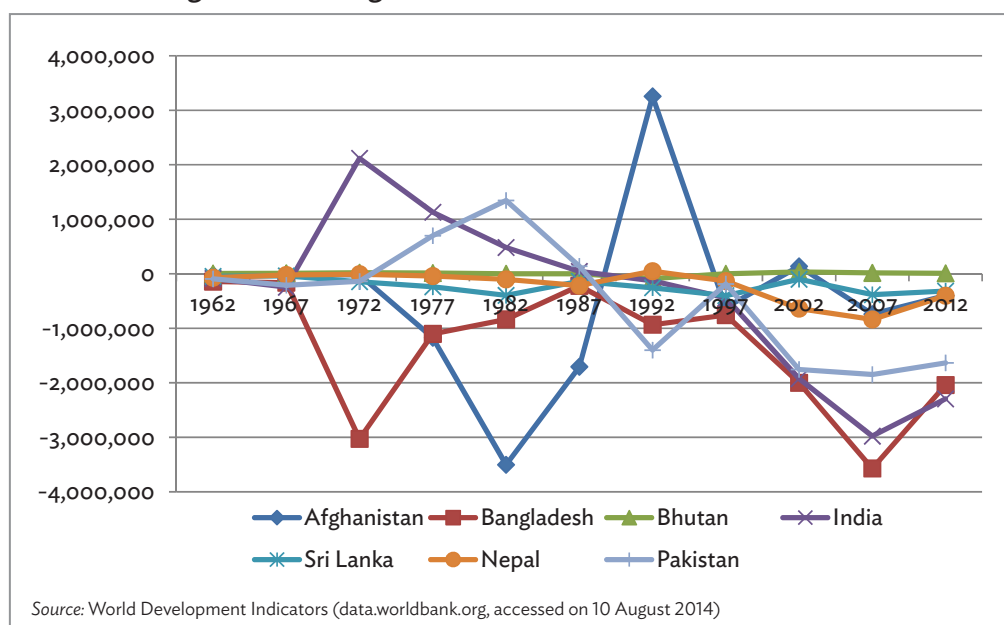
The top destinations for these migrants are other countries in the region (See Figure 4), the Gulf and Southeast Asia, followed by North America and Western Europe (See Figure 5). In fact, the top five migration corridors from South Asia are: Bangladesh–India, Afghanistan–

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5   See "BD 5th remittance source of India", available at http://thedailynewnation.com/news/4633/bd-5th-remittance-source-of-india.html (accessed 28 August 2014).

6   The figures used to calculate net migration flow includes both citizens and noncitizens.

the Islamic Republic of Iran, India–the United States, India–Saudi Arabia, and India–United Arab Emirates.[7]

In general, migrants from South Asia go to countries in the Gulf and Southeast Asia as temporary migrant workers, while those going to North America and Western Europe often emigrate as long-term permanent residents. This trend is changing however with an increasing number of female migrant workers going to Europe as temporary guest workers, particularly in the care industry.[8]

Figure 4: Trends and Patterns of Regional Migration in South Asia

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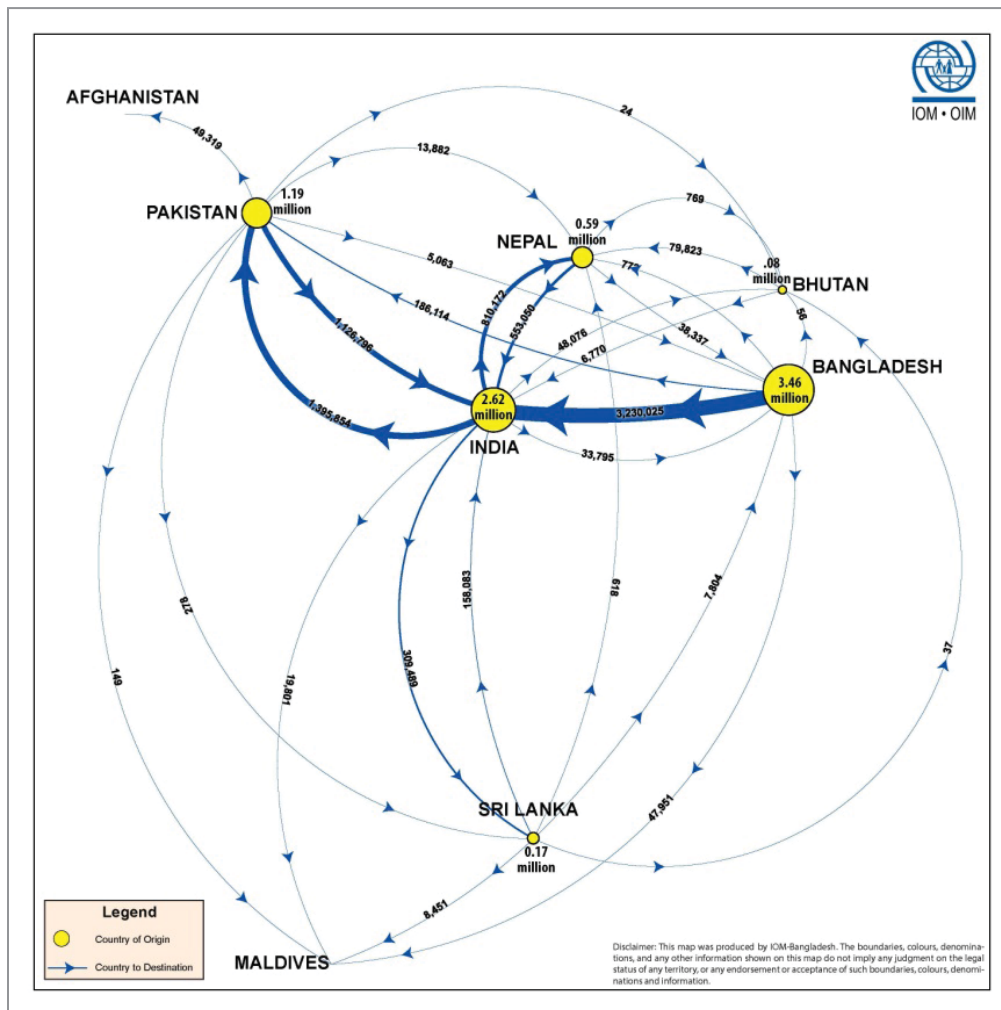
7   See "World Migration Report 2013" available at http://publications.iom.int/bookstore/free/WMR2013
     _EN.pdf (accessed 22 December 2014).

8   See "Contributions of Migrant Domestic Workers to Sustainable Development" available at http://asiapacific
     .unwomen.org/~/media/7148BD87A4F7412D8CBD10482146276F.ashx (accessed 22 December 2014).

Figure 5: Migration Flows from South Asia
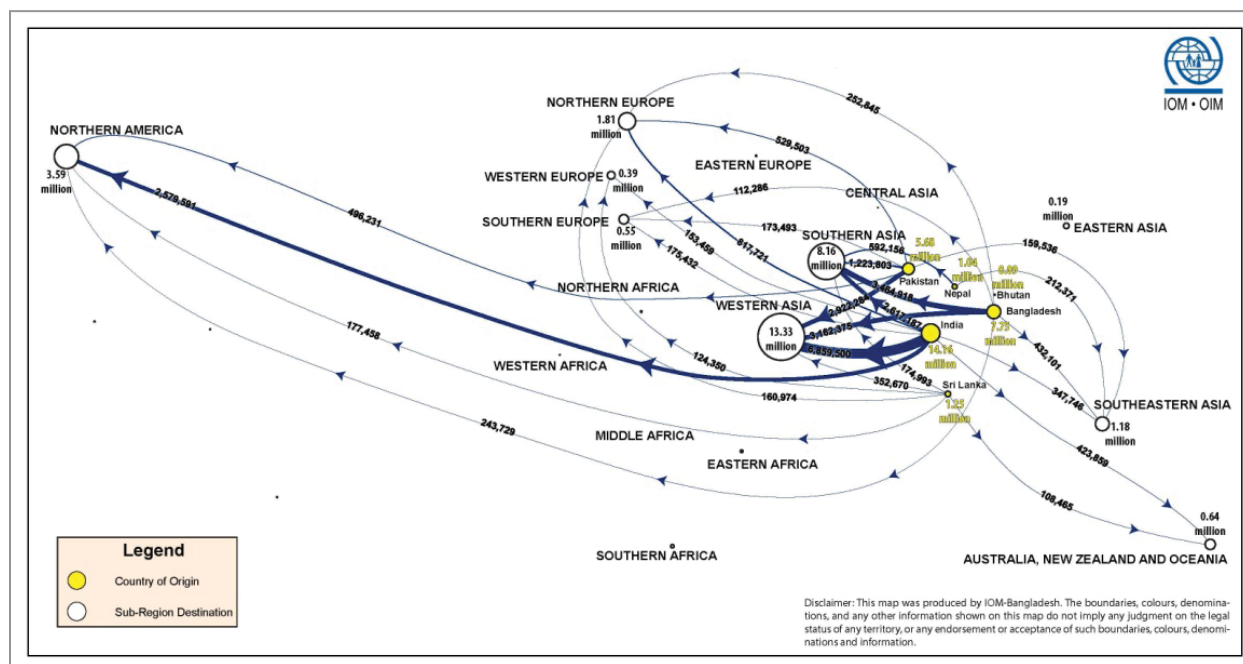
Brief Profile of Migrants

There are different trends and patterns in migration in the South Asia region. While there are many similarities among migrants there are also important differences (see Box 1).

Broadly speaking, most migrants—male and female—from South Asia are unskilled with low levels of education. For instance, in Nepal, 2011 data indicates that while most migrants going abroad had received some level of education, only a quarter had been educated beyond the secondary level (i.e., above Grade 10) (Sharma et al. 2014). This trend is noteworthy given that barriers to mobility are especially high for people with low skills (UNDP 2009, 2014).

In the context of female migration, the total percentage of female migrants from and in the region (including internal, cross-border, regional and international) was estimated 43.4 per cent in 2013 (UNDESA 2013). However, if only international migration is considered, the figure is

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Box 1: General Profile of Migrants from South Asia

Sex: Proportion of female migrants, primarily female labour migrants, is relatively low though increasing.

Age Distribution: Average age ranges from 15 to 34 years but generally less than 30 for women.

Education Levels: Lower secondary, secondary; average levels are lower for women, mostly primary education.

Nature of work: Unskilled and semi-skilled labourers; women are mostly unskilled workers.

Sectors of work: Manual labour, domestic work, construction, factory, services; women migrate primarily for domestic work.

generally very low. The share of female migrants is high in only South India and Sri Lanka.[9] In Bangladesh, females constituted 5.4 per cent of the migrant population in 2013.[10] In Nepal, the proportion of females amongst the entire migrant population was 5.6 per cent in 2013/14 (MoLE 2014).[11] However, many studies have pointed out that over the years South Asia has experienced a feminization of the migration process with an increasing number of women migrating for domestic work, commercial service sector, the informal economy, and at times, forced into commercial sex (Yamanaka and Piper 2005).[12]

Various factors influence the experience of migrating women: Are they migrating independently or with a spouse? Are they documented or undocumented? What is the primary reason for migration (work, marriage, education, etc.)? How long is the expected stay? Is the stay planned as temporary or is there a desire to move permanently and change citizenship? How old is the woman? Does she leave a family behind? How do religion, sexual orientation and ethnicity influence the migration experience? What level of education and skills do they have (even though the majority of WMW are unskilled, there are women who have more education and/or professional qualifications)? What language skills does the migrating woman have?

A major challenge in understanding the situation of women migrant workers (WMW) is the lack of data. Given that many women migrate through irregular channels, their migration experiences are not always captured in official statistics. One recent study notes that there are divergent trends and patterns in women's migration (Sijapati 2015). It is often difficult to generalize across countries. The destinations for WMW are heterogeneous, with significant regional migration in addition to international migration. There also appears to be little research on the length of stays away from home countries and how this influences the migration experience.

Migrant women are often more vulnerable to exploitation and abuses at different points during their migration process. Sexual harassment; physical, psychological and sexual abuses; contract violations, inadequate accommodation and similar forms of deceptions; denial of labour rights; passport confiscation; restrictions on movement; and increased health risks are a few of the harms that migrant women are commonly exposed to (Sanghera 2002, Amnesty International 2014). Given their significant participation in domestic work and entertainment industries, women are particularly vulnerable and experience sex-specific discrimination.

Migration Processes

In South Asia, the process of migration is varied. There are internal, regional and international dimensions that intersect with the different reasons for migration, both voluntary and

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9   In Sri Lanka, 49.14 per cent of migrants in 2010 were female. Out of the total female migrants, approximately 84 per cent were housemaids of which 94 per cent were working in Middle Eastern countries (Ministry of Foreign Employment Promotion and Welfare 2013).

10   See "Facts and Figures," available at http://www.iom.org.bd/page/facts-and-figures/

11   It should be noted that the official figures are considered to be an underestimation due to high numbers of females migrating using irregular channels.

12   It should be noted that here feminization of migration refers to a broad spectrum of features that define women's migration, such as concentration of women in temporary labour migration; likelihood of women to migrate through undocumented channels, increasing the risks of trafficking and smuggling; and the predominance of women in temporary labour migration.

involuntary (See Figure 6). Further, these migration streams have taken regular and irregular forms. For instance, labour migration is high within countries, regionally and internationally and can entail regular and irregular channels (Paoletti et al. 2014).[13] While some of these migration patterns are caused by economic factors, others are triggered by political, social and environmental pressures (i.e., refugees, asylum seekers, and internally displaced persons).

Figure 6: Different Types of Migration in South Asia
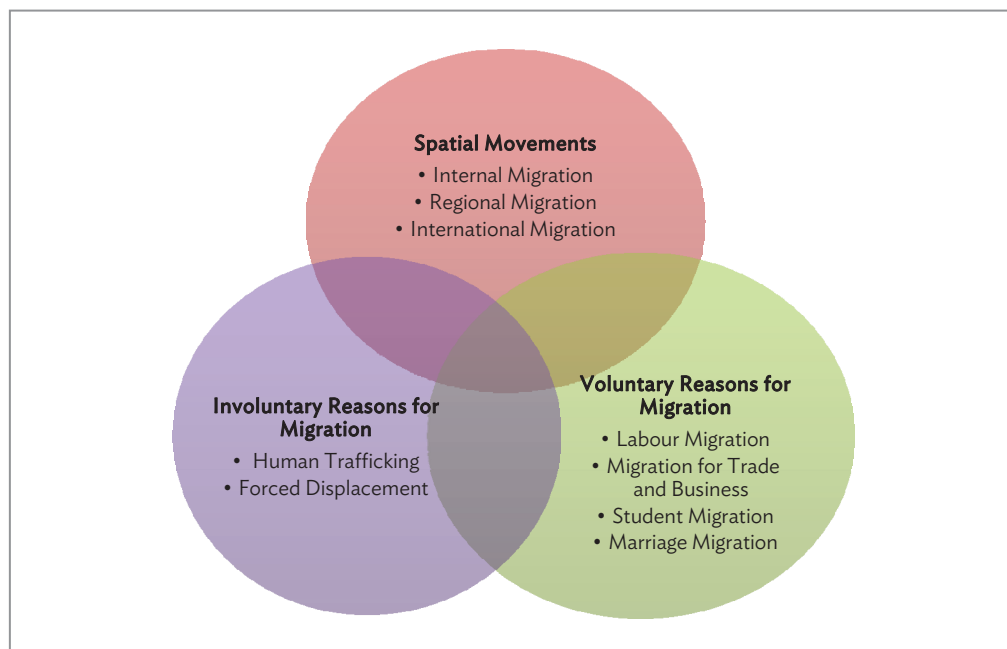
Gender is a relevant dimension in all of these migration flows. (see Table 2 and Table 3). According to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee "female migration should be studied from the perspective of gender inequality, traditional female roles, a gendered labour market, the universal prevalence of gender-based violence and the worldwide feminization of poverty and labour migration. The integration of a gender perspective is, therefore, essential to the analysis of the position of female migrants and the development of policies to counter discrimination exploitation and abuse." (CEDAW 2008, para 5)

Being low-skilled workers, women are considered to be the most vulnerable to human trafficking and forced labour, particularly to the Middle East (Harroff-Tavel and Nasri 2013). Women's mobility is also affected by the high risk of trafficking for sexual exploitation (Nair and Sen 2005, Nair 2010, Haque 2005, US Department of State 2009, Sijapati et al. 2011, IOM 2000, Kara 2009, Chowdhury 2013, ADB 2003).

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13   For instance, UN Women estimated the presence of 3.2 million undocumented Nepalis abroad in 2013 alone.

Table 2: Salient Features of Spatial Movements in South Asia

	Trends and Patterns Relating to Spatial Movements
Internal Migration	• In Bangladesh, there are 13.5 million internal migrants (nearly 10% of the population) with two thirds of the total population transfer being from rural to urban areas (BBS 2012). • The 2001 Indian census reported 309 million internal migrants (about 30% of the population) of whom 70.7% are females though the percentage of males in the urban stream is higher than that of women (UNESCO and UNDP, n.d.). • According to the 2011 Nepal census, the number of internal migrants was 3.8 million (14.4% of the total population)—an increase of more than double compared to 2001 figures. More women migrate internally than males (1.6 million males and 2.2 females) (CBS 2012).
Regional Migration	• According to the 2001 Census of India, more than 6 million residents were born outside their country (including Indian citizens born abroad); of these, almost all (5.7 million) were from the neighbouring countries of Bangladesh, Pakistan, and Nepal (MoHA, n.d., Naujoks 2009).[a] • In 2011, there were 120,891 Indians in Nepal, of whom 47% were women; and Indians accounted for 87 % of the immigrant population in Nepal (CBS 2012). • Of the total number of Nepalis in India, most (24%) are engaged in the manufacturing sector, followed by hotel/catering (21%) and agriculture (12%) (World Bank 2013).
International Migration	• In 2011, approximately 4,713,870 Bangladeshis went abroad for work (rate of international migration was 3.46%) of whom 3.9 per cent were female (BBS 2012). • According to Nepal's Ministry of Labour and Employment, in the fiscal year 2012/2013, the number of labour migrants reached 450,834 compared to 104,739 in 2001/02 (MoLE 2014). • According to the Ministry of Overseas Indian Affairs (MOIA), there are about 5 million overseas Indian workers, out of whom more 90% are in the Gulf countries and Southeast Asia (MOIA 2008). • Between July 2013 and April 2014, the Department of Foreign Employment (DoFE) issued work permits to 29,152 women out of a total of 521,878 labour migrants in Nepal (MoLE 2014).

[a] Only 227,000 individuals were born outside of the region: 28 per cent of them in Africa, 25 per cent in the Middle East, and only 20 per cent in Northern America, Europe, and Oceania combined.

Note: Some of the data quoted in this table differ from those presented in Section 2.1 and 2.2. For the purposes of being consistent across all the countries, in terms of years as well as data source, information provided by UNDESA and the World Bank was used in the preceding sections. However, for this table, government sources are used wherever available, and the years cited are also different for each of the countries in South Asia.

Table 3: Salient Features of Types of Migration in South Asia

	Trends and Patterns relating to Types of Migration
Student Migration	• In Bangladesh, the global flow of tertiary-level students is approximately 21,927 (UNESCO n.d.).[a] • UNESCO estimates 189,472 Indian students migrate globally for tertiary education (UNESCO n.d.). • Between 2010 and 2011, 62,391 Nepali students had government approval to study abroad (MODS and MCCR 2011). • India hosts 31,475 students from abroad out of which 5,481 are from Nepal (UNESCO n.d.). • The USA and the UK are prime destinations for students migrating from the region (UNESCO n.d).
Marriage Migration	• According to 2001 census, 70.7% of internal migrants in India were women. Marriage is the major reason for their migration (UNICEF and UNESCO n.d.) • In Nepal, 54% of women cited marriage as the reason for migration (Sharma et al. 2014). • There are indications that the trafficking of women is taking place under the cover "marriage" migration.[b]
Migration for Trade/ Business	• A high number of Indians are involved in trade in East Africa, and West and South-east Asia (ICWA and MoEA 2002) • The 2011 Nepal census found that 11,685 individuals (0.6%) migrated internationally for business. Of those, only 1,911 were females (CBS 2012).
Human Trafficking	• 300,000 Bangladeshi women were trafficked to India over an unspecified period of time (ADB 2003: 20). Though the real numbers are not known, a large number of Bangladeshi women are also subjected to commercial sexual exploitation in in India (Nair and Sen 2005, Nair 2010, Haque 2005). • An estimated 200,000 Nepali women are forced into commercial sex in Indian cities and increasing numbers are being trafficked, including via India, to Gulf States or Southeast Asia (US Department of State 2009, Sijapati et al. 2011).
Forced Displacement	• According to UNHCR, there are 231,145 refugees residing in Bangladesh among which approximately 200,000 entered Bangladesh from Myanmar in a 'refugee-like situation.[c] • According to Indian government figures, there are more than 100,000 ethnic Tamil Sri Lankans in the southern state of Tamil Nadu.[d]

[a] Not dated or n.d. means that the relevant information is not available.
[b] See Thérèse Blanchet, "Bangladeshi Girls Sold as Wives in North India," Study Submitted to AED, Drishti Research Centre, Dhaka, October 2003.
[c] 'Bangladesh,' available from http://www.unhcr.org/pages/49e487546.html
[d] 'Sri Lankan Refugees in Tamil Nadu.' http://www.irinnews.org/report/96233/sri-lanka-refugees-in-india-reluctant -to-return (accessed 5 August 2014).

Push and Pull Factors

Migration is not a new phenomenon in South Asia. During the British colonial period, large numbers of people from India were transported to work in mines and plantations in the Americas, the Caribbean and Southeast Asia as bonded or contract labourers. One of the largest mass movements of population in the region occurred during the partition of India in 1947, when approximately 35-40 million people moved across the newly drawn national boundaries (Haque 2005). Additionally, the cultural affinity between India, Bangladesh, Pakistan, Nepal and Sri Lanka has propelled cross-border mobility. Over time, as economic disparities in South Asia grew, population mobility became a popular strategy to sustain livelihoods.

The oil boom of the 1970s marked the beginning of a major change in the migration dynamics in South Asia. Due to the increased demand for oil and the growing wealth of the Gulf States, there was a drastic increase in the demand for both semi-skilled and unskilled labour, in the Middle East. Large numbers of South Asian migrated to these countries under temporary work contracts. Similarly, the rapid economic growth and declining fertility in Southeast Asia in the mid-1980s led to considerable growth in the demand for migrant labour in Japan, the Republic of Korea, Hong Kong, China, Malaysia, Thailand, and Singapore (Haque 2005).

In terms of push factors, the literature indicates that labour migration is primarily motivated by economic factors. Low productivity, unemployment, underdevelopment, poor economic conditions, lack of opportunities for advancement, exhaustion of natural resources and natural calamities may compel people to leave their native homes in search of better economic opportunities. For example in India, large-scale internal migration has been attributed to the mechanization of agricultural production, which reduced the required labour inputs in agriculture and created a shortage of job opportunities in the rural areas. Climate change is a growing factor in migration decisions.

Nevertheless, the role of other social and political factors as added impetus for migration should not be overlooked. Social factors (such as lack of educational opportunities, proper health care systems, and religious intolerance) and political factors (such as unfair legal systems, wars and terrorism) serve as additional push factors for migration. For example, in Nepal continued discrimination in the domestic labour market against Dalits, a historically marginalized caste group, has been cited as an impetus for migration (Sonar 2013).

Generally, women are accorded a lower status compared to men. Girls, particularly from poor households, can be considered a burden and hence at the risk of early marriage, malnutrition, low levels of educational attainment, and limited employment opportunities. Additionally, the pervasiveness of gender-based violence makes women socially vulnerable, limits their participation, and affects their economic productivity. As a result, women often migrate in search of better employment and livelihood opportunities (UN Women 2013b).

Conversely, numerous socio-economic and political factors have been identified as the major pull factors attracting migrants to certain destinations. Changing economies and social attitudes have increased the demand for women migrant workers. There is a growing demand for domestic workers in many economies as women entering the labour market have the resources to hire support at home. As well, countries with aging populations have an increased demand for personal care and health workers.

Economic and Social Impacts of Migration

The sheer scale of labour migration in South Asia warrants an extensive examination of its impacts. While migration is viewed primarily as an economic imperative and the focus of impact analysis has, for the most part, been on economic aspects (including the impact of remittances), there is a growing consensus that the social impacts of migration are far reaching. The following sections elaborate on some of the economic and social impacts of labour migration.

Economic Impacts of Migration

In discussions of the impacts of migration, remittances probably receive the most attention. In the past years, there has been a phenomenal rise in migrant remittances in all the countries in the region. As shown in Figure 7, remittances are particularly important for Nepal, Sri Lanka and Bangladesh where they account for significant proportions of GDP.[14]

Figure 7: Remittances as a Percentage of GDP

Source: World Bank 2013. "Personal remittances received (% of GDP)" available at http://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS (accessed 22 December 2014).
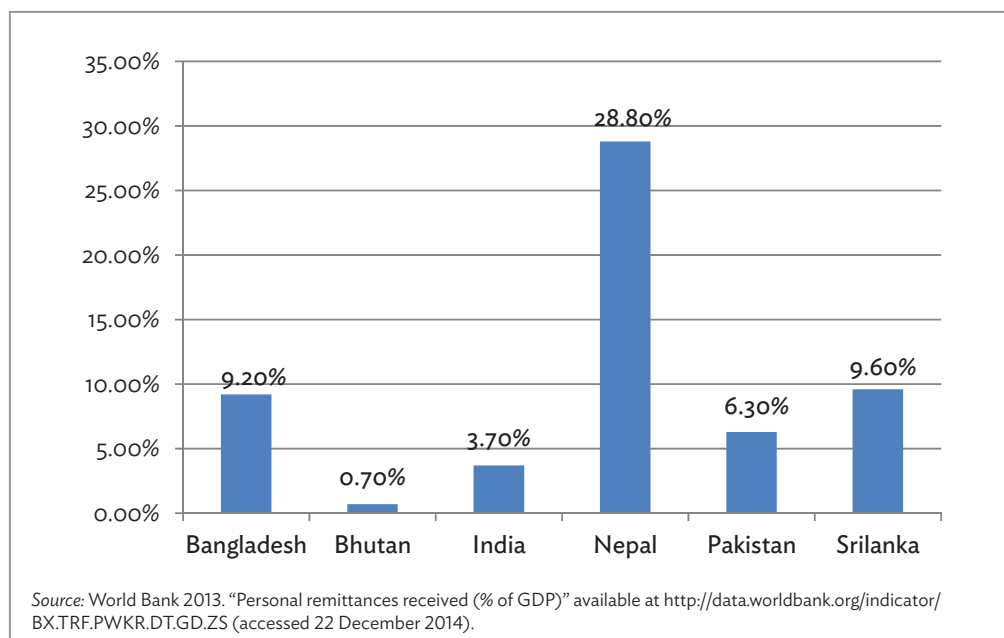
Several studies that have explored the interaction among migration, remittances and development suggest that the impact of remittances has become an important and stable source of development finance (Ratha 2003). Other positive impacts of remittances often highlighted include changes in the pattern of household expenditures, improved living conditions, increased social security, improved education and health care, loosening-up of constraints in the family budget to invest in business or to save and boost local economy (Taylor 1999, Byrun and Kudds 2005). For instance in the case of Nepal, much emphasis has been given to the role of remittances in poverty reduction and maintaining macroeconomic stability as well as keeping the economy afloat when the country's major economic indicators were not favourable (Shrestha 2008, Bhadra 2007; for other countries, see, Afram 2012, Siddiqui and Chowdhury 2001). In addition, labour migration can also have an equalizing effect in labour markets by reducing labour supply pressures, especially in contexts where economic growth rates are not very high (Sijapati 2014).

Others have suggested that a reliance on remittances is not the foundation of a sustainable economy. For instance, Portes (2007) asserts that no country has taken a road to sustained

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14   For comparisons across the countries, data from 2011 has been used. However, recent information from Nepal suggests that remittances account for approximately 29.1 per cent of the GDP. 'Remittance keeping economy afloat', available at http://www.ekantipur.com/2013/10/06/top-story/remittance-keeping-economy-afloat/379016.html.

development riding on remittances alone. In particular, it is argued that due to high rates of remittance in-flows, especially in countries where economic growth rates are low, there is little pressure on government to improve service delivery or enact polices that support economic growth. Instead in these cases, governments often pursue policies supporting consumption leading to a loss of international competitiveness.[15] Likewise, it has been argued that remittances contribute to the "Dutch Disease" phenomenon in developing nations: external competitiveness diminishes and manufacturing sector declines when large amount of foreign exchange, in this case remittances, flows into an economy (Vargas-Silva et al. 2009; World Bank 2011b).

There are gender differences in remittances that could be better understood. According to some studies, women often send small amounts home as they usually earn less than men. However, women migrant workers tend to remit a higher proportion of their earnings and send money more frequently than do men. As well, women's remittances may be used differently than those sent by men, with a focus on education, health, food, clothing and housing (Sijapati 2015). Women may also experience more pressure than men to send home a great percentage of their earnings. For example, single women may be expected to support extended family members at home (CEDAW 2008).

In addition to gender dimensions of remittances, there are other economic issues for women migrants. When they migrate with their husband, there is the possibility that their wages are paid into their husband's account. If they have migrated through irregular channels, they may not have access to bank accounts and other financial services. Domestic workers may have wages withheld by their employer until a specific employment term has ended.

Social Impacts of Migration

In addition to the economic impacts of migration, there are also social impacts – for those who leave and those left behind. Although these impacts are often not as documented as the economic implications, they are important to consider.

Migration facilitates transfer of various skills and knowledge: The fact that labour migration facilitates the transfer of skills and knowledge between the countries of origin and destination is, perhaps, the impact with the most latent potential. When workers go abroad, regardless of whether it is in a skilled, semi-skilled or unskilled capacity, they inevitably acquire a set of new skills. However for the most part, the new knowledge and skills are not used in the countries of origin. For instance, a survey of 101 female returnees in Bangladesh found that these women faced difficulty reintegrating into the mainstream economy due to lack of information on business trends a lack of advisory services to help them locate jobs suitable to their skills, and a lack of job opportunities. (IOM 2013b; see also, Siddique and Arbar 2002, World Bank 2013). In India it has been reported that women who went abroad as maids or domestic help acquired skills relating to family care. This increased their self-confidence, their status in their families and in their communities and contributed to financial and social autonomy (UN Women 2013a).

Impact on gender dynamics: Labour migration has also had an impact on the traditional gender social structures in labour-exporting countries. First, as men migrated in order to

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[15]   See "Economic Growth and Structural Change in South Asia: Miracle or Mirage?" available at http://eprints.lse .ac.uk/36389/1/Economic_growth_and_structural_change_in_South_Asia.pdf (accessed 22 December 2014).

provide for their families, the role of the women left behind changed. In the absence of males, many households became female-headed households. In some circumstances, this supported women's empowerment. However, there are also instances where other male members have taken control of the family, leaving the women more disempowered than ever (Haque 2005). More research is also required on the impacts and uses of new technologies and social media on gender relations and family dynamics.

Increased migration by women is also having an impact on social structures. Earlier, restrictions on women's migration were often in place to "protect their dignity." The relaxation of these restrictions contributed to the gradual increase in female labour migration. For example, Bangladesh lifted the ban on out-migrating female domestic workers in 2003 (Siddiqui 2008). Similarly in the early 2000s the Government of Nepal lifted the ban on women's migration. However in August 2012 it barred women less than 30 years of age from migrating as domestic help.

Impact on families: Not all impacts of migration are positive. For example, there have been reports of infidelity on the part of the spouses left behind (as well as the migrating spouses). Migrants can miss large portions of the children's early years. Returning migrants often experience difficulties reintegrating into their family or relating to their children after long absences. One study submitted to the Government of Nepal indicated that migration has resulted in the disintegration of some families (Bhadra 2013).

Brain drain: Another negative effect of migration is brain drain. Skilled workers choose to migrate abroad for better opportunities, taking with them skills needed by their countries (Docquier and Rapoport 2011; Yong and Rahman 2013). While the issue of brain drain amongst skilled workers has been widely discussed, recent evidence suggests that even the exodus of semi-skilled and unskilled workers can have far-reaching effects. For instance, the Indian state of Kerala is experiencing an acute shortage of workers resulting in vast stretches of farm land being left barren and unfilled jobs in the local service sector. As a result in the last few years, there has been large scale migration of unskilled and semi-skilled labour from other states of India into Kerala thus converting Kerala from being a state known for out-bound migration to in-bound migration (Rajan 2004).

Regressive impact of human trafficking: Human trafficking has a high social and economic cost and is another detrimental impact related to migration (IOM 2000, Kara 2009, Chowdhury 2013). Trafficked victims, especially women and girls, often have trouble reintegrating into society, given the stigma associated with being trafficked (Anderson and Andrijasevic 2008, Chuang 2010).

Health Impacts of Migration

By itself, migration is not necessarily a health risk. However, at various stages of the migration cycle migrants are exposed diseases, risks, or situations that affect their general well-being as well as that of their families. Several studies have shown that the conditions surrounding the migration process, including poor living and working conditions as well as the under-utilization of and lack of access to health services, make migrants more vulnerable to health problems (IOM 2013d, Priesner 2012, Calderon et al. 2012). Additionally, many employers do not adhere to health and safety standards, making migrants more susceptible to health risks (Calderon et al. 2012).

Women migrants may also suffer discrimination relating to reproductive health. They may face mandatory pregnancy tests and the possibility of deportation if the test is positive. They rarely have provisions for maternity leave and/or benefits. Therefore continuing to work is a challenge.

The level of knowledge and awareness of STIs, including HIV/AIDS, among migrant workers is generally very low. A study of female Bangladeshi migrant workers revealed that about 25 per cent did not know anything about STIs, including HIV/AIDs and 86 per cent of those surveyed had no knowledge of the existing voluntary counselling and testing services (Priesner 2012). It has been estimated that seasonal labour migration was responsible for 46 per cent of the 70,000 cases of sexually transmitted infections (STI) (including HIV/AIDS) in Nepal (Aryal et al. 2013). In addition to disease exposure and related risks, the health impacts on migrants are compounded by the inability of many migrants to access health services upon reaching their destination.

Labour migrants, especially those working in informal or low-skilled sectors, face cultural, linguistic and economic barriers to accessing health services (IOM 2013d). Given their isolated working conditions, domestic workers often experience severe difficulties accessing health services.

National, Regional and International Legal and Regulatory Environment

In South Asia there are a number of national policies and regional and international instruments (including conventions, treaties and forums) that seek to safeguard the rights and safety of migrants. Broadly speaking, the legal framework related to gender and mobility consists of a number of constitutional, substantive and procedural laws, as well as international treaties, covenants, conventions and declarations that have been signed and/or ratified by the respective states. In many regards, these policies, instruments and agreements are complementary and the countries of the region have accordingly assumed specific obligations enacted by legislative or executive authorities, introduced administrative measures and community-level practices, and endorsed judicial rulings to address issues of gender and mobility. This chapter reviews some of the major national legal and regulatory frameworks, regional instruments and international conventions from the perspective of gender and safe mobility.

National Policies and Frameworks Related to Gender and Migration

In general, there are three sets of national legislative measures that deal with issues of gender and mobility in South Asia: (a) constitutional provisions; (b) laws against human trafficking; and (c) general provisions relating to migration.

Constitutional Provisions

The crafting of the legislative policies and frameworks relating to issues of gender and migration in the region have broadly been guided by constitutional provisions pertaining to the right to equality, the right to freedom of movement, and right to employment and livelihood opportunities. Table 4 highlights the relevant major constitutional provisions in each of the three countries.

A comparison across the three countries (see Table 4) indicates that clauses relating to the rights to equality and non-discrimination are very well defined in the constitutions of each country. In all three countries--Bangladesh, India and Nepal – the State is empowered to make special provisions for the benefit of women, including on issues relating to employment. Accordingly, the right of women to employment and livelihood opportunities is guaranteed in some form in all three countries. For instance, the Indian constitution guarantees equal opportunity for all citizens on matters of employment (Article 16) as well as equal pay for equal work (Article 39(d)). Likewise, the 2007 Interim Constitution of Nepal requires that provisions for such employment opportunities be made by law (Article 18).

Table 4: Constitutional Provisions Relating to Gender and Mobility in South Asia

	Provisions in the Constitutions	Remarks
BANGLADESH Constitution of Bangladesh (1972)	• Includes broad and universal principles of equality and participation (Article 27). • Guarantees women equal rights with men in all spheres of the State and public life, such as right to life, right to personal liberty, right to property, freedom of movement, freedom to exercise a profession or occupation (Article 28(2)). • Steps to be taken to ensure participation of women in all spheres of national life (Article 10). • Guarantees the right to reside and settle in any place within the country, and to leave and re-enter the country (Article 36).	Strong equality and non-discriminatory clauses but the State is also given the right to "reserve" employment or office for a particular sex (Article 29(3)(b)).
INDIA Constitution of India (1950) (last amended in 2012)	• Grants equality before the law and equal protection of the law to women (Article 14). • Prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth (Article 15(i)). • Guarantees equality of opportunity to all citizens in matters relating to employment (Article 16). • Contains provisions to take special measures in favour of women and children (Article 15(3)), and develop policy towards securing the right to an adequate means of livelihood to males and females (Article 39(a)). • Includes provisions on equal pay for equal work (Article 39(d)).	Freedom of movement for women and men anywhere in India and freedom of employment anywhere in India.
NEPAL Interim Constitution of Nepal (2007)	• Guarantees the "rights of women" as fundamental rights, including the right to equality (Article 13), the right to reproductive health (Article 20), the right to employment (Article 18), and the right to equal remuneration (Article 13(d)). • Explicitly states that "no woman shall be discriminated against in any way on the basis of gender" (Article 20). • Empowers the state to make special provisions by law for the "protection and advancement of the interests of women…" (Article 13(c)). • Contains provisions for including women in the Constituent Assembly and the Legislature-Parliament (Article 63).	Constitution drafted in the spirit of the People's Movement of 2006 and in preparation for the Constituent Assembly elections with the mandate to draft a new constitution.

In terms of mobility, the Bangladeshi Constitution provides for the right to move freely throughout Bangladesh, to reside and settle in any place therein, and to leave and re-enter Bangladesh (Article 36). On the contrary, the Indian and Nepali constitutions, while guaranteeing the right to free movement within the territorial boundaries of the respective countries, makes no explicit reference to the freedom to leave and re-enter the country.[16] Furthermore, explicit guarantees against exploitation, including trafficking and forced labour, are enshrined in the constitutions of India and Nepal. In the Bangladeshi constitution, there is reference mainly to forced labour when speaking of exploitation.[17]

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[16]   Article 19(1) of the Constitution of India; and Article 12(3), Interim Constitution of Nepal (2007).

[17]   Article 23, The Constitution of India; Article 29(4), Interim Constitution of Nepal (2007); and Article 34, Constitution of Bangladesh (1972).

In addition to these constitutional provisions, some South Asian countries have enacted specific laws to enhance women's empowerment and gender equality. For example, in 2011 the Government of Bangladesh adopted the National Policy for Women's Advancement which includes provisions for the equal political and economic rights of women, and advocates for changing discriminatory laws and policies, including discrimination against female migrant workers.[18] In India, the Constitution has been amended to ensure that one-third of the seats in local government are reserved for women; legislation has been passed to protect women, including domestic workers, from sexual harassment; the Unorganized Worker Social Security Act was passed in 2008; and the Domestic Workers Welfare and Social Security Act was passed in 2011. Similarly in Nepal in 2008, the government introduced the Civil Service Act which reserves 33 per cent reservation of new positions for women candidates. Other relevant legislation includes the Gender Equality Act (2006) which accords married women the right to keep inherited property and entitles women to use property without the consent of male family members and the Constituent Assembly Act (2007) which has provisions to provide 33 per cent of the seats in the assembly for women.

Laws against Human Trafficking

Trafficking is not a new phenomenon for South Asia and government institutions, civil society organizations, human rights organizations, international and inter-governmental organizations, and advocacy networks have undertaken many initiatives to address this concern. Table 5 outlines the main provisions in the anti-trafficking laws in each country.

Table 5: Major Provisions in Anti-Trafficking Legislation in South Asia

BANGLADESH	
Legislation	Prevention and Suppression of Human Trafficking Act (2012)
Prosecution	• Prohibits and punishes all forms of human trafficking, with severe penalties, including the death sentence. • Provides for the extra-territorial application of the law. • Includes provisions for a special tribunal for the prompt trial of trafficking offenses.
Protection	• Includes provisions on rescue, repatriation, rehabilitation and reintegration of trafficked victims. • Contains provisions on maintaining privacy and dignity of the victims, including protection against re-victimization and victim's right to information. • Provides for support services for trafficked victims (or those faced with abusive employers) through shelter homes, drop-in centres and safe homes.
Prevention	• Empowers the government to create new institutions, particularly a central Anti-Trafficking Fund to provide support to victims of trafficking.
INDIA	
Legislation	• Immoral Traffic Prevention Act (ITPA) (1956), amended in 1978 and 1986. Supplemented by sections of Indian Penal Code, Indian Criminal Procedure Code and Indian Evidence Act (1872). • Several laws on child labour including the Child Labour Act (1986), the Factories Act (1948), the Mines Act (1952), the Minimum Wages Act (1948), the Goa Children's Act (2003) and the Rules 2004 against child trafficking (amended 2005)

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[18]   Bangladesh, Planning Commission, General Economics Division, *The Millennium Development Goals Progress Report 2011*, Dhaka, February 2012.

Table 5: Major Provisions in Anti-Trafficking Legislation in South Asia
(continued)

Prosecution	• Section 370 of the Indian Penal Code (IPC) amended in 2013, to broaden the types of crimes considered trafficking and adopted stringent measures for traffickers. Anyone who recruits, transports, harbours, transfers or receives a person for purposes of exploitation has been criminalized. Further, penalty for trafficking is a minimum of 7 years (Section 370). • Prostitution in itself is not an offence under ITPA. However, Section 8 of the ITPA (solicitation) and Section 294 of the IPC (obscenity in public places) have been wrongly used by law enforcement officials against trafficked persons, charging them with soliciting. • The ITPA has rendered commercial sexual exploitation an offence. Other features include: the law requires that a rescued woman be interviewed by a female police officer. If such person is not available, the victim can be interviewed by a male police officer, but only in the presence of a female social worker. The law is gender sensitive, child sensitive and empowers NGOs too which is very rarely seen across the world. As well, the victim has the right of anonymity..
Protection	• ITPA empowers governments to establish as many protective homes and corrective institutions as required (Section 21). • Bonded Labour (Abolition) Act (1976) includes provisions for the welfare of the rescued person.[a] • The law includes clauses relating to protection but the issue of rehabilitation was not included. To address this, the Government of India, the State Governments, the Supreme Court and High Courts, human rights organizations, and civil society organizations have made efforts to protect victims of trafficking, including flagship programmes like "Swardhar scheme" and "Ujjwala" implemented by the Ministry of Women and Child Development.
Prevention	• The ITPA was radically amended in 1986 with the focus shifting to prevention. Government agencies have introduced institutional arrangements and undertaken programmes and projects for prevention of human trafficking • Under the Indian Police Act (1861),[b] one of the two mandates assigned to every police officer is crime prevention, including trafficking.
NEPAL	
Legislation(s)	• Human Trafficking and Transportation (Control) Act 2007 • Human Trafficking and Transportation (Control) Rules 2008
Prosecution	• Criminalizes slavery, bonded labour, and the buying and selling of a person by force, fraud, or coercion for the purpose of forced labour or services (Article 4). • Criminalizes offenses relating to non-trafficking in persons, including taking an individual away from home for the purpose of prostitution and removal of human organs (Article 4). • Prescribed penalties range from 10-20 years imprisonment and fines for selling or buying a human being; and 5-10 years imprisonment and fines for forcing someone into prostitution (Article 15).
Protection	• Provides for rescue, rehabilitation and reconciliation support for trafficked victims (Section 3). • Empowers government to set up a rehabilitation fund to support trafficked victims (Article 14).
Prevention	• Rules provide for the formation of national and district-level committees to control human trafficking, raise awareness, implement anti-trafficking plans and policies, and monitor rehabilitation centres for victims of trafficking (Article 4 to 11).

[a] The act abolishes the bonded labour system.
[b] Police Act (1861) available from http://artassam.nic.in/Home%20Department/The%20Police%20Act,%201861.pdf

A significant recent development in South Asia is the shift away from a limited definition of trafficking focused on commercial sexual exploitation to a broader interpretation that includes labour trafficking, slavery, bonded labour, organ trade, drug trafficking and concomitant measures against traffickers. While implementation gaps remain, the laws in Bangladesh and Nepal have also empowered the governments to set up special funds to support victims of trafficking.

In addition to these comprehensive legal provisions, the governments of Bangladesh, India and Nepal have taken important steps, sometimes in conjunction with civil society organizations, to address gaps in implementation, including:

- The Government of Bangladesh drafted a "National Plan of Action" for 2012-2014 and created an inter-ministerial anti-trafficking committee chaired by the Ministry of Home Affairs. It formed a counter-trafficking coordination committee together with the Ministry of Home Affairs and civil society groups.[19] Some of the gender-sensitive programs/initiatives specified in the Action Plan include: support for the implementation of the new anti-trafficking law, increased awareness about trafficking of women and children, and improved monitoring and oversight of the entire migrant labour recruitment process.
- In 2002 the Indian Ministry of Women and Child Development prepared a National Plan of Action to prevent and combat human trafficking. The development of this plan was supported by the National Human Rights Commission, the Ministry of Home Affairs, the National Commission for Women and UNICEF. The Plan of Action aims to guide and facilitate uniform action amongst stakeholders on the prevention, rescue, rehabilitation and reintegration of victims of trafficking.[20]
- Other efforts to combat human trafficking in India include: an Advisory from the Ministry of Home Affairs to use Standard Operating Procedures (SOPs); amendments to the Indian Penal Code to define and punish trafficking of all sorts including organ trade (Section 370) and to address child trafficking; establishment of Anti-Human Trafficking Units (AHTUs) (Section 370A); and establishing discretionary funds through the Ministry of Overseas Indian Affairs (MOIA) to Indian embassies and consulates to assist with medical care, rehabilitation, repatriation, and legal assistance to migrant workers in the Gulf countries, some of whom may be victims of trafficking.[21]
- In Nepal the government endorsed national minimum standards for victim care and outlined procedures for referring identified victims to protection services. The government has also provided funds through the Ministry of Women, Children and Social Welfare to the Nepali Consulate in Kolkata to assist in the repatriation of trafficking victims. Furthermore, the National Committee for Controlling Human Trafficking provides financial support to the District Committees for Controlling Human Trafficking to carry out awareness campaigns, and to provide emergency victim services in all 75 districts of Nepal.

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[19] The five primary goals of the National Plan of Action are: 1) prevention of human trafficking; 2) protection of trafficking victims/survivors; 3) prosecution of human trafficking offences; 4) development of partnership, participation, coordination and cross-country mutual legal assistance; 5) and development of monitoring, evaluation and reporting mechanism.

[20] The National Plan of Action includes comprehensive provisions for the adoption of human rights perspective, identification of traffickers and trafficked victims, national and regional cooperation for cross-border migration in addition to that of rescue, rehabilitation, reintegration and repatriation.

[21] 'India', available at http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215481.htm (accessed 4 August 2014)

Provisions Relating to Migration

Given the large-scale population movements, the countries in South Asia have enacted specific provisions dealing with migration. While the law in Bangladesh, the Overseas Employment and Migrants Act (2013), is fairly recent, laws addressing migration in India date back to the 1980s. Nepal is in the process of amending its Foreign Employment Act (2007). In addition to the laws relating to foreign labour migration, India has enacted a specific policy relating to internal migrants. Nepal has introduced Foreign Employment Rules in 2008 and the Foreign Employment Policy in 2012. Broadly speaking, these provisions are primarily focused on regulating migration, except in the case of the recently introduced law in Bangladesh which includes explicit provisions for ensuring the rights and welfare of migrant workers.

The legal frameworks governing migration of these three countries are largely "gender-neutral" and relatively silent on issues related to gender equality and/or the specific situation of women.[22] While the "non-discriminatory" clause in the law is important, it is also the case that the absence of specific provisions to address the needs of female migrant workers, the differential impact that migration has on women, and/or safeguards required to protect the interests of female migrants and their families, makes the laws weak from a gender perspective.[23]

The details of migration-related laws are presented in Table 6.

Table 6: Major Provisions in Migration-Related Laws in South Asia

BANGLADESH	
Legislation	Overseas Employment and Migrants Act (2013)[a] Emigration Rules (2002) The Recruiting Agent's Conduct and Licence Rules (2002) The Wage Earner's Welfare Fund Rules (2002)
Major Provisions	• Sets out guidelines for prospective migrants to follow during recruitment process. • Defines rights for migrant workers including: right to [work-related] information, right to "reasonable" legal aid, right to file a civil suit, and the right to return home. • Sets out parameters for licensing of recruitment agencies and their responsibilities; designates recruitment agencies as official representatives of foreign employers and renders them "jointly and severally" liable, along with employer, for issues arising from the contract. • Enables the government to establish a "Labour Welfare Wing" at Bangladeshi missions to explore labour market opportunities and protect the rights of migrant workers. • Enables the government to conclude MoUs and agreements with foreign governments in order to improve employment opportunities for Bangladeshi migrants, to improve the labour management system, and to safeguard the welfare and rights of migrant workers. • Enables the government to initiate programmes that improve accessibility vis-à-vis bank loans, tax exemptions, savings schemes, investment opportunities, etc. • Stipulates that the Welfare Fund be used for the welfare of the emigrants and their families such as establishing welfare centres in all districts, arranging orientation sessions and establishing welfare desks at the airport.

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[22] Even the recently enacted law in Bangladesh, the Overseas Employment and Migrants Act (2013) only has a non-discriminatory clause on gender. It contains no other direct references to gender or women's issues and concerns.

[23] The exception to this is India's Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act (1979) and Rules (1980) which prohibits women from working at night, requires separate toilets and washing facilities for women workers, and even mandates crèches facilities for female migrant workers.

Table 6: Major Provisions in Migration-Related Laws in South Asia
(continued)

INDIA	
Legislation	Emigration Act (1983) Emigration Rules (1983)
Major Provisions	• Addresses the issue of emigration of Indian workers for overseas employment on a contractual basis and seeks to safeguard their interest and to ensure their welfare. • Empowers the office of the Protector of Emigrants (POE) to set minimum employment standards, verify employment contracts, regulate recruitment agency licensing, issue emigration clearances and handle grievances related to contract violations and abuses. • Demarcates offences and lists penalties for those undermining or breaching the provisions of the Act. • Establishes special powers to prohibit emigration for larger interest of the general public.
Legislation	Inter State Migrant Workmen (Regulation of Employment & Conditions of Service) Act (1979) and Rules (1980)
Major Provisions	• Applicable to an establishment which employs a prescribed minimum inter-state migrant workers through an intermediary (who has recruited workers in one state for employment in another state) • Requires the provision of certain facilities such as housing, medical-aid, travelling expenses from home and back, etc. to inter-state migrant workers. • Prohibits the employment of female migrant workers before 6 am or after 7 pm. • Mandates separate and adequate washing and screening facilities for male and female workers. • Mandates crèche facilities for migrant female workers.
NEPAL	
Legislation	The Foreign Employment Act (2007) Foreign Employment Rules (2008) Foreign Employment Policy (2012)
Major Provisions	• Focuses on information dissemination to migrant workers, promotes policy arrangements to manage as well as secure foreign employment, and calls for the abolishment of discriminatory clauses against women. • Grants government the power to send workers abroad by reaching bilateral agreements with receiving countries. • Mandates all migrants to undergo orientation training, purchase insurance, and use only the national airport while departing for foreign employment. • Enables the government to designate a labour attaché in countries where there are more than 5,000 Nepali migrant workers and to appoint a woman labour attaché in countries where there are more than 1,000 Nepali women working. • Supports the establishment of Foreign Employment Welfare Fund to provide migrants with social security and for the Foreign Employment Tribunal with the purpose of settling cases filed by migrants. • Prohibits gender discriminatory practices in foreign employment, but special priority is given, among others, to women. • The Foreign Employment Rules (2008) detail the prerequisites for the selection of companies and their licensing, selection of workers, and establishment of a Foreign Employment Welfare Fund. • The Foreign Employment Policy (2012) includes provisions to address the rights and security of female migrants including: diversifying employment opportunities for female migrants by identifying more profitable sectors for employment; providing skills training to prospective migrants; introducing special clauses on women in the bilateral and multilateral labour agreements; organising programmes to help returnee female migrants re-integrate into society; implementing programmes to generate awareness about the positive aspects of foreign employment; and providing psycho-social services.

a   Even though the Overseas Employment and Migrants Act was passed in 2013, the Emigration Rules (2002), the Recruiting Agent's Conduct and Licence Rules (2002), and the Wage Earner's Welfare Fund Rules (2002) are still in use since new Rules of the recently enacted Overseas Employment and Migrants Act have yet to be formulated.

Regional and Bilateral Agreements

Despite a common heritage and shared linguistic, cultural and social characteristics, South Asia is considered to be one of the least integrated regions. It is a region marked by political tensions and sensitivities rooted in the historical legacies of colonialism and partition (Muni 1999, Muni and Jetly 2010). Despite the establishment of the South Asian Association for Regional Cooperation (SAARC), regional cooperation and integration, including matters related to migration, have not been given priority by the governments of South Asian (Kher 2012).[24] There have been some efforts to address issues of gender and mobility within a bilateral and/or regional framework, but these have primarily focused on human trafficking.

South Asia Regional Instruments

One of the major accomplishments in South Asia in the field of migration has been the adoption of the Convention on Preventing and Combating Trafficking of Women and Children for Prostitution (2002) (hereafter, SAARC Convention on Trafficking). There have been other regional initiatives complementing the SAARC Convention on Trafficking, including the Technical Committee on Women, Youth and Children set up in 2004 and the South Asia Initiative to End Violence against Children (SAIEVAC) set up in 2001. The focus of these instruments and initiatives is on trafficking, especially for prostitution, though the technical committee and SAIEVAC do address broader issues of violence against women and children. Table 7 below outlines some of the major provisions contained in these instruments. In addition as part of the 18th SAARC Summit held in Kathmandu on 26-27 November 2014, the governments of South Asia agreed on the Kathmandu Declaration which among other things includes an agreement to "collaborate and cooperate on safe, orderly and

Table 7: Regional Instruments in South Asia

	Major provisions
Convention on Preventing and Combating Trafficking of Women and Children for Prostitution (2002) (known as the SAARC Convention on Trafficking)	• Recognizes the need to address the issues of internal and cross-border trafficking. • Compels parties to devise measures to curb trafficking of women and children and provide support for rehabilitation. • Encourages state parties to develop modalities for repatriation of victims; make provisions for the care and other support of victims; establish protective homes and shelters for the rehabilitation of victims; and involve NGOs in efforts to prevent, intervene and rehabilitate victims.
Technical Committee on Women, Youth and Children (2004)	• Addresses issues of empowerment of women and youth, especially by strengthening livelihood initiatives for home-based workers, primarily widows. • Activities implemented under SAARC Development Fund (SDF) in collaboration with Self-Employed Women's Association (SEWA).
South Asia Initiative to End Violence against Children (SAIEVAC) (2001)	• Chief objective is to take steps to end violence against children, especially by addressing issues of: early marriage, trafficking, sexual abuse and exploitation, corporal punishment, and child labour. • Provides a framework for development of effective and comprehensive child protection systems.

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24   Regional cooperation is a platform where two or more governments decide to cooperate and collaborate on issues of mutual interdependence (Ravenhill 2005, Nye 1968).

responsible management of labour migration from South Asia to ensure safety, security and wellbeing of their migrant workers in the destination countries outside the region."[25]

The SAARC Convention and related mechanisms represent the commitment of SAARC member countries to combat the trafficking of women and children. In April 2014 SAARC and UN-Women signed a Memorandum of Understanding (MoU) to work together to promote gender equality, gender justice and the empowerment of women among the countries in South Asia. More specifically, the MoU identified trafficking, economic empowerment, political leadership and decision-making, and violence against women as the key areas of cooperation between the two organisations.[26]

Notwithstanding these efforts, the current regional instruments have been criticised for limiting their application to commercial sexual exploitation and overlooking the broad gamut of trafficking crimes. Other shortcomings include: a lack of clarity regarding the rights of victims, especially relating to rights to protection of identity, confidentiality of records, privacy, and access to justice; an absence of explicit discussion of the roles and responsibilities of the recipient country's government towards rescue, rehabilitation, repatriation and reintegration of victims; and a narrow application focusing on women and children (HRLN 2011). Moreover, from the perspective of safe mobility, these regional instruments, particularly the SAARC Convention, do not address issues of safe migration, broadly defined, though this could change with the recent Kathmandu Declaration mentioned above.

Bilateral Arrangements in South Asia

In addition to the regional instruments, countries in South Asia have entered into bilateral agreements with each other. The underlying principles as well as the scope of these agreements are varied. The Nepal-India Treaty of 1950 focuses on institutionalizing the free movement of people between the two countries and granting the same rights and privileges to the nationals of the other country as it accords to its own citizens. In sharp contrast, agreements between India and Bangladesh seek to provide mutual assistance to address issues related to illicit movements of people as well as the illegal drug trade, terrorism, and organized crime. Table 8 below includes the major provisions of some of the bilateral agreements between South Asian countries.

As highlighted earlier, the national legal regimes of South Asian countries are diverse. The SAARC Convention points to the recognition that cross-border issues such as trafficking cannot be resolved through domestic legislation alone. While the SAARC Convention embodies a regional commitment on the part of the governments to act collectively, bilateral mechanisms signify promising initiatives to prevent trafficking in persons, protect victims of trafficking and promote cooperation among State Parties in order to meet those objectives.

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[25]   'Full Text of Kathmandu Declaration,' available at http://www.onlinekhabar.com/2014/11/211832/.

[26]   See 'SAARC and UN Women reaffirm their commitment to gender equality' available at http://asiapacific
.unwomen.org/en/news-and-events/stories/2014/4/saarc-and-un-women-reaffirm-their-commitment-to
-gender-equality

Table 8: Bilateral Agreements between Countries of South Asia

	Major Provisions
India-Bangladesh Agreements 2010[a]	• Agreement for Mutual Legal Assistance in criminal issues & Transfer of Sentenced Persons (2010). • Agreement for Combating Terrorism, Transnational Organized Crimes, & Illegal Drug Trafficking (2010).
Bangladesh-India Taskforce regarding Rescue, Recovery, Repatriation (RRRI) of child victims of trafficking 2011[b]	• Prevention of Human Trafficking and Protection of Trafficking Victims/Survivors • Prosecution of Human Trafficking Offence whereby trafficking is recognized as a transnational organized crime. • Partnership, Participation, Co-ordination and Cross-Country Mutual Legal Assistance • Development of a Monitoring, Evaluation and Reporting System (e.g., Co-ordinated Border Management Plan). • Formulation of Standard Operating Procedure (SOP) which serves as a guide-line for law enforcement agencies, development practitioners and human rights activists.
Nepal-India Peace and Friendship Treaty 1950	• Institutionalized free movement of people across Nepal-India border. • Provides Nepalis in India the same privileges as Indian citizens regarding residence, ownership of property, participation in trade and commerce, movement, etc. and vice versa for Indians in Nepal.

a   http://www.icwa.in/pdfs/VPIndoBangladesh.pdf
b   See 'RRRI Task Force Cell' available at http://antitraffickingcell.gov.bd/index.php/en/

Bilateral Arrangements between South Asian Countries and Others

In addition to agreements among countries in the region, the globalized nature of migration has also led countries in South Asia to enter into bilateral agreements with countries in the Gulf and other parts of Asia (See Table 9). While some of these bilateral instruments are "agreements" and binding on the signatories, most are non-binding Memoranda of Understanding (MoUs). Broadly, these bilateral instruments focus on mutual intent to enhance employment opportunities in the destination countries; measures that host countries will take for the protection and welfare of workers in the organized sector; regulation of the recruitment process in both the countries; and establishment of a joint working group to ensure the implementation of the MOU and bilaterally resolve any labour concerns. Barring a few that specifically focus on migrant domestic workers, such as the Agreement between India and Saudi Arabia on labour cooperation for domestic service workers, the rest do not include specific provisions relating to women or gender equality. Also, while some of these instruments are based entirely on "Government-to-Government" recruitment mechanisms (e.g., between Bangladesh and Malaysia, Nepal and South Korea), most envisage a role for private institutions, including recruitment agencies.

Table 9: Bilateral Instruments Signed between South Asian and Other Countries

Bilateral Agreements/MoUs	Provisions
BANGLADESH	
Technical Cooperation Agreement on Manpower between Bangladesh and Kuwait (2000 - revised 2008)	• Seeks to ensure security of the jobs of Bangladeshis in Kuwait. • Includes provisions for exchanging information relating to different work fields, developing cooperation in all matters related to workers , and informing foreign employers about the skills of Bangladeshi workers.
Agreement on organization of Manpower Employment in the state of Qatar (1988) Additional Protocol to the Agreement on organization of Manpower Employment in the state of Qatar (2008)	• Requires the Qatari Ministry of Labour & Social Affairs to forward requests submitted to it by Qatari employers to hire Bangladeshi workers to the Bangladeshi Ministry of Labour and Employment. • Mandates individual employment contracts to regulate the hiring of Bangladeshi workers in Qatar.
Memorandum of understanding on employment of workers between Government of Malaysia and Government of the People's Republic of Bangladesh (2003 – revised 2012)	• Agrees on the recruitment process of workers from Bangladesh to Malaysia through Government to Government mechanism ("G to G"). • Provides for an online application by prospective employers, and standard contract of employment. • Establishes a Joint Working Group (JWG) to resolve issues arising from the implementation of the MoU.
MoU on manpower export with Oman (2008)	• Promotes labour mobility and protects the interest of the workers. • Includes measures to expand trade and economic relations, particularly in air transportation between the two countries. • Establishes a Joint Working Group to resolve issues arising from the implementation of the MoU.
Manpower agreement between Bangladesh and Libya (2008)	• Facilitates the dispatch of more Bangladeshi labour. • Seeks to protect the interests and promote the welfare of Bangladeshi workers. • Establishes a Joint Working Group to resolve issues arising from the implementation of the MoU.
MoU between Bangladesh and South Korea regarding Employment Permit System (EPS) (2007)	• Designates the Ministry of Labour of Korea and the Ministry of Expatriates' Welfare and Overseas Employment of Bangladesh the administrative and decision-making ministries of the respective countries. • Assigns the Bangladesh Overseas Employment Services Limited (BOESL) the responsibility of coordinating with Human Resources Development Korea (HRD-Korea) to implement the EPS process.
MoU between Bangladesh and Jordan (2012)	• Addresses the recruitment of Bangladeshi women as domestic workers. • Brings domestic workers under the labour law that provides for protection to their rights consistent with international standards.
MoU between Bangladesh and Iraq (2013)	• Creates labour export opportunity to Iraq. • Provides for the recruitment of Bangladeshi workers with minimum immigration cost.
MoU between Bangladesh and Hong Kong, China (2013)	• Hong Kong, China agrees to recruit the female workers after necessary training • Provides for a fixed salary with free accommodation, meal and medical treatment; specific working hours; holidays; and insurance coverage. • Provides for payment of immigration costs in instalments.

Table 9: Bilateral Instruments Signed between South Asian and Other Countries
(continued)

Bilateral Agreements/MoUs	Provisions
INDIA	
Agreement on Labour Co-opera-tion for Domestic Service Workers with the Kingdom of Saudi Arabia (2014)	• Aims to protect the rights of both the domestic service workers (DSW) and employers and regulate the contractual relation between them. • Provides for a standard employment contract. • Provides for the establishment of 24-hour assistance. • Requires host country to facilitate repatriation.
MoU on manpower between the Government of India and the Government of the Hashemite Kingdom of Jordan (1988)	• Seeks to regulate the recruitment of workers from India and their entry into Jordan in accordance with the law, rules and procedures of both countries. • Requires that job offers specify all the required information on terms and conditions of employment with travel expenses borne by the employer unless the worker quits. • Entitles workers to same rights and privileges as is accorded to workers of the host country (in accordance with labour and social security laws of Jordan).
MoU between the Republic of India and the Kingdom of Bahrain on Labour and Manpower Develop-ment (2009)	• Promotes cooperation in labour mobility based on principles of equality and mutual interest in accordance to law of both countries. • Provides for the protection and welfare of all categories of employees.
MoU on Employment of Workers between the Government of India and the Government of Malaysia (2009)	• Seeks to facilitate the employment, protection and welfare of workers. • Mandates that Indian workers be employed in accordance with the terms and conditions of employment that are in compliance with the laws, rules, regulations, policies and directives relating to employment in Malaysia.
MoU between the Ministry of Overseas Affairs in India and the Ministry of Manpower in the Sultanate of Oman (2008)	• Facilitates the recruitment of Indian workers in Oman. • Requires that Indian workers are employed in accordance with the provision of the employment contract and that workers are given protection under the Labour Laws and regulations in force in Oman.
MoU between the Government of UAE and the Government of India in the field of manpower (2006)	• Requires both parties to facilitate the mobilization and recruit-ment of workers between India and the UAE. • Facilitates the exchange and sharing of knowledge and expertise in generation of employment opportunities.
MoU on Labour, Employment, and Manpower Development between the Government of the State of Kuwait and Government of India (2007)	• Seeks to promote cooperation and co-ordination in the fields of labour, employment and worker development in India and Kuwait. • Requires both parties to facilitate the mobilization and recruit-ment of workers in accordance to laws in each country.
Agreement concerning organization of manpower employment between Qatar and India (1985) Additional Protocol Agreement between India and Qatar (2007)	• Seeks to organize the entry of Indian workers to Qatar. • Ensures that the terms and conditions of work of employment of Indian workers are defined by an individual contract between the worker and the employer. • Urges both parties to take measures to safeguard the interests of workers and the welfare of the worker within the purview of Qatar labour law.

Table 9: Bilateral Instruments Signed between South Asian and Other Countries
(continued)

Bilateral Agreements/MoUs	Provisions
NEPAL	
Agreement between Nepal and Qatar (2005)	• Aims to organize Nepali migrant workers in the State of Qatar. • Requires that recruitment offers be presented by Qatar's Ministry of Civil Service Affairs and Housing to Nepal's Ministry of Labour and Transport Management (now Ministry of Labour and Employment). • Requires employers to bear all travel-related expenses from Nepal to the place of work in Qatar as well as the return trip. • Requires terms and conditions of employment be defined in the individual contract between the employer and the worker which is drafted in Arabic, Nepali and English.
MoU between the Government of Nepal and the Government United Arab Emirates in the Field of Manpower (2007)	• Provides for the contract to be valid only if it authenticated by the Ministry of Labour in the UAE and written in Nepali, English and Arabic. • Sets out the responsibility of the employer to provide workers in the UAE with certain protections such as placement of service, accommodation facilities, social and health services.
MoU between Government of Nepal and Ministry of Labour of the Republic of Korea on Sending of Workers to the Republic of Korea under the Employment Permit System (2007)	• Sets out provisions for sending Nepali workers to the Republic of Korea under the Employment Permit System (EPS). • Requires both parties to make concerted efforts to eliminate illegal stay of migrants.
MoU in the Areas of Labour and Occupational Training between the Government of Nepal and the Government of Kingdom of Bahrain (2008)	• Provides all possible facilities to Nepali recruitment agencies registered with the Nepali government to establish offices or companies in Bahrain. • Makes written contract between employers and recruitment agencies and employer and employee mandatory.
Directive for Sending Nepali Technical Interns to Japan (2009) with the First Amendment (2010)	• Outlines the framework of the Japan International Training Cooperation Organization (JITCO) and includes provisions to send technical interns to Japan.

In conclusion the bilateral agreements between countries of South Asia as well as between the governments of South Asia and other countries are important mechanisms for ensuring the rights and welfare of migrants as they cross borders to enter and stay in another country. With a concern for gender equality, there is a need to (a) ensure their effective implementation, paying particular attention to meeting the needs and rights of both men and women; (b) ensure that the provisions in these instruments are consistent with international human rights standards and commitments to women's rights; and c) ensure that the specifications contained in these agreements include explicit provisions for protecting women and men, especially those who are vulnerable to abuse and exploitation.

International Instruments and Processes

There are a number of international instruments, including conventions, treaties and forums, that seek to safeguard concerns relating to gender and safe migration (ILO 2009). In the case of South Asia, not all of these have been ratified by all countries. As well, the effectiveness of these international instruments depends on the extent to which a country

complies with the declarations and conventions to which it is a signatory. This section of the report outlines the main international instruments related to gender and safe mobility as well as some of the experiences and lessons learnt.

International Conventions

The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990)[27] is recognized as the most comprehensive treaty pertaining to the rights of migrant workers and their families. The Convention seeks to establish minimum standards for migrant workers, irrespective of their migratory status. As of December 2014, only 37 countries, including Bangladesh and Sri Lanka from South Asia, are parties to the Convention and no major destination country is a signatory. Other international treaties relating to migration, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), the Convention against Transnational Organized Crime (2000), and the Protocol against Smuggling of Migrants by Land, Sea and Air (2004) are focused primarily on trafficking issues and measures relating to the protection and assistance to the victims of trafficking. Table 10 outlines the status of these international agreements in South Asia.

**Table 10: Ratification Status of Selected UN Conventions
by Countries in South Asia**

UN Conventions	Ratification, Accession (a) (with date of ratification)				
	Bangladesh	**Bhutan**	**India**	**Nepal**	**Sri Lanka**
International Convention of the Protection of Rights of All Migrant Workers and Members of their Families (1990)	√ 2011	X	X	X	√ 1996a
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)	X	X	√ 2011	X	Signed (2000); not ratified
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000)	X	X	√ 2011	X	Signed (2000); not ratified
Convention against Transnational Organized Crime (2000)	√ 2011 a	X	√ 2011	√2011	√ 2006
Convention to Eliminate All Forms of Discrimination Against Women (1979)	√ 1984a	√ 1981	√ 1993a	√1991	√ 1981
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women	√ 2000	X	X	√ 2007	√2002a

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979) is considered the bill of rights for women. It provides the basis for realizing equality between women and men by ensuring them access to, and equal opportunities in, political and public life including the field of employment (Article 11(1)). Article 6 of the Convention also requires state parties to take appropriate measures, including legislation, to suppress all forms of trafficking in women. Likewise, the Beijing Declaration and Platform for

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[27]   It should be noted that it only came into force in 2003.

Action (1995) reaffirms that the rights of women and girls are an "inalienable, integral and indivisible part of universal human rights" and calls upon governments to take action to address critical areas of concern such as adopting specific preventive measures to protect women from any form of abuse, including trafficking.[28]

In the context of specific issues relating to gender and safe migration, the CEDAW General Recommendation No. 26 on Women Migrant Workers (hereafter GR 26) is an important international instrument that seeks to contribute to the fulfilment of states' obligations to respect, protect and fulfil the human rights of women migrant workers, especially those who are at risk of abuse and discrimination. Specific recommendations for countries of origin, transit and destination contained within GR 26 include:

- Formulation of gender-sensitive policies and involvement of women migrant work-ers and NGOs in policy formulation, implementation, monitoring and evaluation;
- Research, data collection and analysis to identify the problems as well as needs of women migrant workers;
- Education, awareness-raising and training with standardized content;
- Access to health services, legal and administrative assistance, remittance of income, reintegration services, diplomatic and consular protection; and
- Legal protection for the rights of women migrant workers, including in terms of access to remedies.[29]

Although Bangladesh has ratified CEDAW,[30] it has not accepted it as legally binding. India has ratified CEDAW with the condition that it will only abide by articles (5(a) and 16(1) so along as it is "in conformity with its policy of non-interference in the personal affairs of any community without its initiative and consent."[31] Nepal and Bangladesh are among the countries that, as per the requirements of the 1995 Beijing Declaration, have drafted a National Plan of Action, outlining specific activities that the respective governments will undertake to improve the situation of women, including addressing violence against women (GoN, UN Women and FWLD 2011).

ILO Conventions

In addition to the aforementioned conventions, there is also a set of international labour standards enshrined in various ILO Conventions which are legally binding international treaties that set out basic principles and rights at work (See Table 11).[32] Amongst these, the Domestic Workers' Convention (2011) (C189) is the main ILO convention that exclu-sively addresses the rights of domestic workers, including migrant workers going abroad as domestic workers provided that they have a written job offer or contract of employment

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[28] Beijing Declaration and Platform for Action, 1995. Available at http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf

[29] "General Recommendation No. 26 on Women Migrant Workers," available at http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf

[30] Initially, the Government of Bangladesh had made reservations to clause 2,13(a), 16(1)(c) and 16(1)(f) which are related to matters of succession of property, marriage and divorce, guardianship and so on, arguing that they are not in accord with Sharia Law. The government in 1997 partially withdrew its reservations to articles 13(a) and 16(1)(f) but continues with its earlier reservations to clause 2 which requires governments to adopt laws and policies that would ensure equal rights to women and men (UN Women 2013b).

[31] 'Ratification Status,' http://cedawsouthasia.org/regional-overview/ratification-status-in-south-asia

[32] 'Conventions and Recommendations', available at http://ilo.org/global/standards/introduction-to-internation-al-labour-standards/conventions-and-recommendations/lang--en/index.htm (accessed 4 August 2014).

(Article 8). The Convention, which came into force in September 2013, also strives to delineate the conditions for decent work in domestic employment, including provisions for overtime compensation, equality between domestic workers and other workers in terms of normal working hours, weekly rest and so on (Article 10) (ILO 2011a).

With regards to labour migration, the Migration for Employment Convention (Revised) (1949) (or C097) sets out the rights of migrant workers and guiding principles for the migration governance regime, including provisions for remuneration, membership in trade unions, accommodation, social security, employment taxes and legal proceedings (Article 6). The Migration for Employment Convention was supplemented three decades later with the Migrant Workers (Supplementary Provisions) Convention (1975) (or C143), which includes special provision for the prosecution of the perpetrators of trafficking regardless of the country they are exercising their activities in (Article 6). Similarly, the Private Employment Agencies Convention (1997) (or C181) provides for the operation of private employment agencies and seeks to protect workers using their services. As of December 2014, most of these Conventions had not been ratified by South Asian countries even though civil society organizations and other stakeholders have been lobbying for their ratification.[33]

**Table 11: Ratification Status of Selected ILO Conventions
by Countries in South Asia**

	Bangladesh	Bhutan	India	Nepal	Sri Lanka
Domestic Workers Convention (2011)	X	X	X	X	X
Migration for Employment Convention (1949)	X	X	X	X	X
Migrant Workers (Supplementary Provisions) Convention (1975)	X	X	X	X	X
Underground Work (Women) Convention (1935)	√ 1972	X	√ 1938	X	√ 1950
Night Work (Women) Convention (Revised) (1948)	√ 1972	X	√ 1950	X	X
Private Employment Agencies Convention (1997) (C181)	X	X	X	X	X

In addition, there are two ILO Conventions that focus on the rights of female workers: Underground Work (Women) Convention (1935) and Night Work (Women) Convention (Revised) (1948). The Underground Work (Women) Convention (1935) (or C045), prohibits, with some caveats, the employment of female workers in underground mines. Among South Asian countries, Afghanistan (1937), Bangladesh (1972), India (1938), Pakistan (1938) and Sri Lanka (1950) have ratified the convention. The Night Work (Women) Convention (Revised) (1948) (or C089) places restrictions on the employment of women during the night. To date, only three South Asian countries have ratified this convention: Bangladesh (1972), India (1950) and Pakistan (1951). Among these three countries, only India has ratified the 1990 Protocol to this convention which relaxes the provisions contained in C089 by recognizing the variation in the duration of night work and the exemption from the prohibition of night work. Examples of how these conventions are incorporated into domestic legislation include the Indian Mines Act (1952) which prohibits

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[33]   See, 'Realizing Decent Work for Domestic Workers, Towards Ratification of C189 in Asia,' 2011 Asia Regional conference, 24-26 October 2011, Manila, Philippines; 'Building and Advancing Strategic Alliances for the Promotion of Decent Work for Domestic Workers,' Regional Conference on ILO 189 Ratification Campaign, 14-15 April 2012, Manila, Philippines.

the employment of women in underground mines in India and the Factories Act (1948) prohibits the employment of women in factories between 7 pm and 6 am (Devi 2000: 72).

Multilateral and Regional Consultative Mechanisms

Besides the UN and ILO Conventions, there are a number of important regional and multi-lateral processes that serve as forums for stakeholders to share their experiences, review and monitor the implementation status of agreements and conventions and identify steps for future actions (See Table 12). These include the Colombo Process which serves as a forum for Asian labour-sending countries and the Abu Dhabi Dialogue, a state-led voluntary, non-binding and informal consultative process between the 11 Colombo Process countries[34] and nine other Asian countries.[35] The Asia-European Union (EU) Dialogue is another inter-regional forum. It seeks to develop and enhance exchange and understanding among policy-makers, non-governmental organization and researchers on facilitating managed and legal migration between Asia and the EU.[36]

Contrary to the inter-regional forums focusing on broader migration-related issues, the Bali Process, established in 2002, is aimed at addressing practical issues related to transna-tional crime, i.e., trafficking and smuggling, irregular migration, information and intelligence sharing, border management, return and readmission, harmonization of legislation, asylum practices and management, victim protection and assistance, development aid, and law enforcement.

In addition, the Global Forum for Migration and Development (GFMD), conceived in 2006, is a voluntary, informal, non-binding and government-led process open to all Member States and Observers of the United Nations. It aims to advance understanding and coop-eration on the mutually reinforcing relationship between migration and development and to foster practical and action-oriented outcomes. In addition, the GFMD has from the beginning promoted the idea of a participative working method and has sought to engage civil society representatives, including academia, NGOs, trade unions, private sector and representatives from the migrant and diaspora community, by inviting them to hold parallel meetings and share their deliberations with states.[37]

Notwithstanding the differences in content, the Regional Consultative Processes and the Inter-Regional Forums have now been accepted by governments and civil society actors as 'critical pieces of the global institutional architecture on migration,' and important mecha-

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[34]   Afghanistan, Bangladesh, People's Republic of China, India, Indonesia, Pakistan, Philippines, Sri Lanka, Thai-land and Vietnam

[35]   Bahrain, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia, Singapore, United Arab Emirates and Yemen.

[36]   The first meeting took place in Brussels (2008), within the framework of the Colombo Process. The meet-ing comprised of all eleven member countries of the Colombo Process (Afghanistan, Bangladesh, People's Republic of China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Vietnam) and all 27 EU countries bringing together representatives from the different governmental entities involved in the labour migration process, such as ministries of labour, employment, immigration, expatriate welfare, specialized agen-cies, embassies etc., as well as experts from outside the governmental sphere.

[37]   On 15 November 2012, over 70 civil society organizations submitted a 5-point proposal to the UN Secretariat, the members of the UN General Assembly's Second Committee, and other New York-based UN missions to the 2013 High Level Dialogue. The 5-point proposal called for a 'negotiated outcome document' including a 5-year Action Plan that would address 'critical issues of global migration governance' including, regulation of recruitment industry, assistance and protection to stranded migrants, labor rights for migrant workers, among others. See, "A Civil Society Proposal for a Negotiated Outcome in the Form of a 5-Year Action Plan at the 2013 UN High Level Dialogue on Migration and Development,' 2 December 2012.

nisms for enhancing dialogue and cooperation as well as bringing about changes in policy, practice and capacity development among countries with common migration interests and challenges (IOM 2013c).[38]

Table 12: Inter-Regional and Regional Consultative Processes

	Bangladesh	Bhutan	India	Nepal	Sri Lanka
Abu Dhabi Dialogue (2008)	√	√	√	√	√
Colombo Process (Colombo Consultation) (2003)	√	X	√	√	√
Colombo Process (Manila Consultation) (2004)	√	X	X	√	√
Colombo Process (Bali Consultation) (2005)	√	X	√	√	√
Colombo Process (Dhaka Declaration) (2011)	√	X	√	√	√
Global Forum for Migration and Development (2007)[a]	√	√	√	√	√
Bali Process (2002)	√	√	√	√	√

a   While all eight countries are members of the Global Forum for Migration and Development, India was not present in the Manila process. Afghanistan was added later.

In conclusion, international human rights instruments, international labour standards as well as the regional and inter-regional forums are complementary frameworks for protecting and ensuring gender equality and safe mobility of both men and women. The fact that several countries in South Asia have ratified these instruments indicates a commitment to address these concerns. However, ratification remains uneven. As well, the extent to which they translate into positive outcomes depends on their complementarity with domestic legislation, the capacity of key stakeholders and their effective implementation and enforcement. More research would be helpful to understand how these commitments can be converted into practical and meaningful tools.

[38]   See also, 'Chair's Summary,' Fourth Global Meeting of RCP Chairs and Secretariats, Lima, Peru, May 22 and 23, 2013.

Promising Initiatives, Practices and Arrangements in the Region

As mentioned in the previous chapters, generally in South Asia safe mobility of women was generally discussed in the framework of trafficking of women and girls for sexual exploitation. However, the large-scale migration of women and men, for overseas employment has prompted countries in South Asia to become more proactive in terms of managing the migration process. The initiatives discussed in this section reflect the recognition by these countries of the need to invest in social, economic and political structures, including partnerships with other stakeholders to collectively promote and protect the rights and welfare of migrant workers and their families; ensure a fair and transparent recruitment process; protect migrant workers - both women and men - from becoming victims of exploitation and abuse; and maximize the gains from migration for individual households as well as the nation as a whole.

This chapter is divided into four sections that discuss the initiatives undertaken by each of the three focus countries as well as a region as a whole. Within the discussion on each of the countries, the sub-sections examine promising 'institutional arrangements,' 'private, semi-government and civil society mechanisms,' 'infrastructure development,' and 'other initiatives and practices.' Even though some of these initiatives are still in the initial phases of implementation they can serve as models for other countries in the region as well as globally. It is interesting to note that many of these initiatives and mechanisms deal with safe migration generally. It is often not clear if many these structures have the capacity to respond to the specific needs and priorities of women migrant workers. As noted earlier, migrating women often face different challenges and discrimination not faced by men. Specific strategies, resources and approaches are often necessary to ensure that these circumstances are recognized by officials and then appropriately incorporated into responses, actions and programs.

Bangladesh

The Bangladeshi government has established a separate ministry, the Ministry of Expatriates Welfare and Overseas Employment (MoEWOE), with a mandate to manage the migration process and ensure the welfare of migrant workers. In addition to this ministry, there are other units - such as the Ministry of Home Affairs - that also work on migration-related issues. In addition to the government structures, there are other private initiatives and practices that facilitate the migration process and protect migrant workers and their families.

Institutional Arrangements

As is the case in many other countries, in Bangladesh the public institutional structure consists of a nodal ministry—MoEWOE; a specialized department within the ministry that focuses on issues of migration; a welfare fund to support migrant workers; mechanisms,

primarily labour attaches to assist migrant workers while abroad; and facilities such as resource centres, and support desks.

Ministry of Expatriates' Welfare and Overseas Employment: The Ministry of Expatriates Welfare and Overseas Employment (MoEWOE) is responsible, among other things, for the accreditation/registration of Bangladesh labour recruitment agencies and adoption of measures to protect Bangladeshi labour migrants and others in the Bangladeshi diaspora.[39] In July 2010, a Vigilance Task Force was

Bangladesh: Institutional Arrangements
• Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE)
• Bureau of Manpower, Employment and Training (BMET)
• District Employment Manpower Office (DEMO)
• Wage Earners' Welfare Board (WEWB)
• Labour Attachés /Labour Wings
• Probhashi Kallyan Desk (Welfare Desk/Booth)
• Expatriates Welfare Desk at Deputy Commissioners' Office
• Migrant Resource Centres

formed under the MoEWOE to ensure accountability and transparency of recruiting agencies and check illegal practices in labour migration, particularly those leading to human trafficking for labour (Chowdhury 2013). In 2013, the Taskforce monitored recruitment agencies and conducted a total of 14 raids and filed 3 human trafficking-related cases (MoHA 2013).

Bureau of Manpower, Employment and Training (BMET): Formed in 1976, the BMET is responsible for the registration of all migrant workers, issuing emigration clearances, protecting the interests of overseas migrant workers, building an electronic database of prospective migrants along with their trade/profession, and monitoring the licensing of recruitment agencies. In addition, BMET also provides skills training to workers through its training centres. At present, BMET operates 37 Technical Training Centres, one Institute of Marine Technology, and three Apprenticeship Training Offices.[40]

District Employment Manpower Office (DEMO): Under BMET, there are 42 DEMOs at the local government level. These offices are responsible for maintaining data on migrant workers, providing necessary information to aspiring migrant workers, furnishing death compensation to the families of the deceased workers, and providing welfare services to the workers' families.[41]

Wage Earners' Welfare Board (WEWB): Established in 1990 under the MoEWOE, the Wage Earners' Welfare Board (WEWB) seeks to extend welfare services to migrant workers. The WEWB includes inter-ministerial representatives from MoEWOE; BMET; the Ministry of Home Affairs; the Ministry of Law, Justice and Parliamentary Affairs; the Ministry of Finance; the Ministry of Foreign Affairs; the Ministry of Civil Aviation and Tourism; the Bangladesh Bank; WEWB, and the Bangladesh Association of International Recruiting Agencies (BAIRA). The WEWB manages the Wage Earners' Welfare Fund, Probhashi Kallyan Desk and Labour Attaches (see below for details).

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39   'Vision and Mission', available at http://www.probashi.gov.bd/index.php?option=com_content&view=article&id=46&Itemid=187 (accessed 03 August 2014)

40   'BMET', available at http://www.bmet.gov.bd/BMET/welfareAction

41   'Offices under BMET,' http://www.bmet.org.bd/BMET/aboutAction

Labour Attachés/Labour Wings: As per the Overseas Employment and Migrants Act (2013), the Government of Bangladesh established 28 Labour Welfare Wings in 25 countries around the world.[42] Each Labour Welfare Wing is responsible for inspecting the worksites of migrant workers, attesting the demand letter submitted by the employer, providing legal support to migrant workers, and collecting death compensation of deceased workers. They also submit an annual report detailing the situation of migrant workers, outlining prospects for future employment opportunities in the country, and making recommendations for future actions. The Government of Bangladesh has also adopted a policy of appointing labour attachés to a country where there are more than 10,000 Bangladeshi workers. These Labour Attachés are tasked with the responsibility of providing repatriation assistance to stranded migrants, offering financial assistance to distressed workers, providing legal aid to migrants vis-à-vis contractual disputes with employers and/or during other legal proceedings, and ensuring proper burial of deceased Bangladeshi workers abroad.[43]

Probhashi Kallyan Desk (Welfare Desk/Booth): The Government of Bangladesh has established welfare desks/booths at three international airports—Dhaka, Chittagong and Sylhet—to facilitate the safe arrival and departure of expatriate Bangladeshis. Services provided by the BMET officials at these desks include: checking emigration clearance, providing transport facilities to expatriate Bangladeshis for secure and risk-free movement from (Hazrat Shahjalal) International Airport in Dhaka to nearer inter-district bus stations for onward travel, and supporting migrants with any other problems they experience.[44]

Expatriates Welfare Desks in Deputy Commissioners' Offices: The Government of Bangladesh, under the Ministry of Public Administration, has established 'Expatriates Welfare Desks' in all 64 Deputy Commissioners' Offices. The Welfare Desk provides assistance to the expatriate workers and their families.

Migrant Resource Centres: Migrant Resource Centres (MRC) provide relevant information regarding the migration process, the documentation required to migrate legally, the risks involved in the migration process, information on health and safety, and the rights and responsibilities of migrants. As of 2014, the Government of Bangladesh has 22 district-based MRCs around the country. In addition to providing potential migrant workers with information on safe migration and educating them on procedures related to regular migration, the MRCs also "cross-check employment contracts, visa papers and other important documents of migrant workers to further ensure safe migration."[45]

Private, Semi-Government and Civil Society Mechanisms

In addition to the institutional mechanisms set up by the government, Bangladesh has instituted several other supports for migrant workers (both women and men) and their

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[42]   The Government of Bangladesh established Labour Wings in Riyadh, Jeddah, Abu Dhabi, Kuwait, Qatar, Iraq, Oman, Bahrain, Libya, Iran and Malaysia in 1987. Later it established additional Labour Wings in South Korea, Singapore and Dubai and closed the Labour Wing in Iran. In 2012, the Labour Wing of Japan, Jordan and Italy were established. In 2013, it established new Labour Wings in Brunei, Maldives, Egypt, Hong Kong, Australia, Greece, South Africa, Spain, Russia, Thailand, Milan and the Permanent Mission in Geneva. See http://www .bmet.gov.bd/BMET/labourWingsAction (accessed 29 August 2014)

[43]   'BMET', available at http://www.bmet.gov.bd/BMET/welfareAction

[44]   'Migration Scenario: Nature, Patterns and Trends', available at http://www.bmet.gov.bd/BMET/resources/ Static%20PDF%20and%20DOC/publication/Country%20Paper%20Migration.pdf (accessed 06 August 2014)

[45]   'Migration and Development', available at https://www.iom.int/cms/en/sites/iom/home/where-we-work/asia-and-the-pacific/bangladesh.default.html?displayTab=map

families. These initiatives are primarily established in partnership with civil society organizations. While some of these mechanisms are geared towards providing comprehensive services to migrant workers and their families, others are focused on particular issues such as recruitment, access to finances, awareness-raising and research.

Probashi Kallyan Bank: Established in 2011, the Probashi Kallyan Bank operates as a specialized bank for the benefit and welfare of migrant workers. The operational activities of the bank include: (i) assistance to outbound workers with migration loans; (ii) rehabilitation of retrenched workers through rehabilitation loans; and (iii) repatriation of remittance earned by wage earners. The main clientele of the Bank include: (i) people going abroad for work; and (ii) returnees who want to start up/establish a business within Bangladesh. Under the "Migration Loan" the Bank provides migrant workers with collateral-free, low-interest loans in order to protect them from moneylenders. This has helped reduce the costs of migration.[46] As of December 2012, the bank had disbursed loans to more than 1,200 people (ILO 2014).

Bangladesh Association of International Recruiting Agencies (BAIRA): BAIRA is an association of 1,100 national-level work force agencies.[47] The major responsibilities of BAIRA include: promoting and protecting the rights and interests of the members of the association, including advising and assisting in their business activities; developing an understanding and awareness of Government rules and regulations regarding overseas employment amongst its members and recruitment agencies; providing policy advice to the government; and liaising with foreign embassies and consulates.[48]

Bangladesh Overseas Employment and Services Limited (BOESL): Established in 1984, BOESL is the only government-owned recruitment agency in Bangladesh. It was conceived as a vehicle to increase foreign exchange earnings through overseas employment (BOESL 2014). BOESL functions essentially as a "normal" recruitment agency that competes directly with private recruiters. Beyond recruitment, BOESL also strives to create "opportunity of overseas employment especially for the woman [sic] and poor people of the country." Furthermore, BOESL is engaged in recognizing new labour markets and employment opportunities for Bangladeshi workers and sending workers to South Korea through the Employment Permit System (EPS) using the Government-to-Government (G to G) approach.[49]

> ### Bangladesh: Private, Semi-Government and Civil Society Mechanisms
>
> - Probhashi Kallyan Bank
> - Bangladesh Association of International Recruitment Agencies (BAIRA)
> - Bangladesh Overseas Employment and Services Limited (BOESL)
> - Welfare Association of Repatriated Bangladeshi Employees (WARBE)
> - Bangladeshi Ovibashi Mohila Sramik Association (BOMSA)
> - Ovibashi Karmi Unnayan Program (OKUP)
> - Bangladesh Ansar-Village Defense Party (VDP)
> - Refugee and Migratory Movements Research Unit (RMMRU)

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[46] PKB. 'Our Activities', available at http://www.pkb.gov.bd/index.php/pkb-activities.html (accessed 6 August 2014)

[47] 'History & Background of BAIRA', available at http://www.baira.org.bd/index.php/history-a-background-of -baira (accessed 03 August 2014)

[48] See 'Bangladesh Association of International Recruiting Agencies' available at http://www.baira.org.bd/

[49] 'Activities of BOESL', available at http://www.boesl.org.bd/

Welfare Association of Repatriated Bangladeshi Employees (WARBE): WARBE was founded in 1997 by a group of migrant workers with the goal of promoting the welfare and rights of migrant workers. It has established migrant centres across the country to raise awareness on migrants' rights and provide support to migrant returnees and families of migrant workers.[50]

Bangladeshi Ovibashi Mohila Sramik Association (BOMSA): BOMSA was established in 1998 to support female migrant workers. Activities conducted by BOMSA include: awareness raising amongst potential migrant workers; skills training for migrant workers; counselling to migrant women experiencing difficulties; helping to relay remittances through formal channels; and assistance to migrant returnees by support small and medium enterprises and skills training to female returnees in order to facilitate their reintegration and self-reliance.[51]

Ovibashi Karmi Unnayan Program (OKUP): OKUP is a community-based migrants' organization. OKUP's intervention strategy follows a comprehensive model that includes awareness campaigns, helpline services, pre-migration orientation, and pre-departure trainings. Their support and services to migrant workers also include direct assistance, counselling, shelter, legal aid, medical support, and social and economic reintegration.[52]

Bangladesh Women Migrants' Association (BWMA): BWMA was established in 2002 to provide assistance to prospective as well as returned female migrant workers. The main aims of BWMA are to organize migrant women, increase awareness amongst prospective female migrant workers, provide skills training to workers, and provide information on reintegration possibilities upon return.[53]

Bangladesh Ansar-Village Defense Party (VDP): The VDP has a membership base of approximately 5.9 million people, out of whom 50 per cent are women. With such a significant number of members, the organization has the potential to reach the remotest corner of the country. VDP has been involved in conducting courses and rallies on issues relating to women and child trafficking. The Training Directorate of VDP organises training on various socio-economic issues but an underlying theme in all the modules is the different dimensions of trafficking.[54]

Refugee and Migratory Movements Research Unit (RMMRU): Established as a unit within Dhaka University, RMMRU conducts research and advocacy work to ensure the welfare of migrant workers. Several studies carried out by RMMRU - especially in areas of gender and migration - have been instrumental in shaping government and other key stakeholders' policies and/or practices relating to safe mobility of men and women. Major studies include: 'Work Condition of Bangladeshi Factory Workers in the Middle Eastern Countries' and 'Targeting Good Governance: Incorporation of Migration in the 6th Five-Year Plan.' RMMRU has also organized national and international campaigns for the ratification of the migrant workers' convention and produced a report on remittance management, which includes several recommendations for institutional and regulatory reforms.

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[50] http://www.samren.net/Civil_Society_Initiatives/bangladesh/WARBE-PROFILE_for_RMMRU.pdf (accessed 19 September 2014)

[51] See 'Bangladeshi Ovibashi Mohila Sramik Association' available at http://bomsa.net/ (accessed 7 August 2015)

[52] See, 'Ovibashi Karmi Unnayan Program' available at http://okup.org.bd/ (accessed 7 August 2015)

[53] http://www.samren.net/Civil_Society_Initiatives/bangladesh/Bangladesh-8.htm (accessed 19 September 2014)

[54] Combating Human trafficking Bangladesh Country report, 2012, Ministry of Home Affairs Government of the People's Republic of Bangladesh Dhaka, Bangladesh. http://mha.gov.bd/wp-content/uploads/2013/10/Country_Report_2012.pdf (accessed 22 December 2014).

Infrastructure Development

The Government of Bangladesh is a pioneer in using technology to address issues of safe migration, especially by linking local level agencies with the central hub using information communications and technology (ICT). Key initiatives are outlined below.

Bangladesh: Infrastructure Development

- Networking of District Employment and Manpower Offices
- Immigration Management System
- Shelters/Homes

Networking of District Employment and Manpower Offices: In order to support and facilitate the promotion, welfare and training activities relating to overseas employment, the Bangladesh government has established a computer database network linking 21 district-level offices, District Employment and Manpower Offices (DEMO) and BMET headquarters with its connections at the Ministry, the airport and BAIRA offices. Compulsory registration for all job-seekers with the nearest DEMO started in 2004. The possibility of direct enlistment by the recruiting agencies has created accountability and transparency in the recruitment system and is expected to lead to the gradual elimination of intermediaries.[55]

Immigration Management System: With the support of IOM, the Government of Bangladesh has developed an Immigration Management System that links the Probashi Kallyan Desks at the Dhaka, Chittagong and Sylhet International Airports. This software helps track passengers, captures MRP data, scans fingerprints, and verifies passports and visas. The government has also set up Document Analysis Centres (DAC) at major border control points. These are equipped with high-end communication and security devices such as Video Spectrometer (Vispec), "Passport Examination and Imposter Recognition Software," online connectivity between the Special Branch and other major checkpoints including international airports, land ports and seaports, with ensured data connectivity through solar power. Training on "Document Analysing and Examination" for Immigration officials, mobile training programmes to provide on-the-job training to the field level Immigration officials, and a workshop on "Investigation and Gathering Intelligence" have been organized.[56]

Government-Sponsored Shelters: The Government of Bangladesh runs nine homes, under the Department of Women Affairs, however only one is operational. The government has established "one-stop crisis centres" across the country for women and children who are victims of violence, including victims of trafficking. These centres provide information to survivors of GBV on various services such as health care, police assistance, legal advice, psychosocial counselling, and support for rehabilitation and reintegration.[57] Furthermore, there are six safe homes operated by the Department of Social Services, the Ministry of Social Welfare. Recently, a shelter house for runaway domestic female workers has also been established in the Bangladesh Embassy in Riyadh (MoHA 2012).

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[55]   'Migration Scenario: Nature, Patterns and Trends', p.22 Available at http://www.bmet.gov.bd/BMET/resources/Static%20PDF%20and%20DOC/publication/Country%20Paper%20Migration.pdf (accessed 06 August 2014).

[56]   See 'Integrated Border Management' available at http://www.iom.org.bd/page/integrated-border-management/

[57]   See M. A. Rahim Mia, Role of one stop crisis centre (occ) in protecting women's rights: an analysis with special reference to Rajshahi District; and http://www.mspvaw.org.bd/index.php?option=com_content&view=article&id=192&Itemid=143&act_id=5&cmp=1 (accessed 22 December 2014).

Practices and Initiatives

In Bangladesh there are a variety of organizations that have undertaken initiatives to facilitate a safe and secure migration experience, for both women and men. Some of the promising interventions are described below.

Registration of Migrant Workers through Smart Cards: The Government of Bangladesh started issuing smart cards in February 2010. This card with a 32 kB memory computer-chip facili-

> ### Bangladesh: Practices and Initiatives
>
> - Registration of Migrant Workers through Smart cards
> - BAIRA Code of Conduct
> - Welfare measures for Bangladeshi Migrants
> - Health Examination for Migrant Workers
> - Training for labour attachés
> - Perspective Plan for Bangladesh, 2010-2020

tates the clearance system at the airport and prevents the use of fake travel documents and information while going overseas.[58] The smart card includes information on the employee (name, passport number and photo), the employer and the recruiting agencies as well as the details of the worker's designation and salary. The card helps track workers in a foreign country and provides assistance to them through the nearest Bangladeshi embassy.[59]

BAIRA Code of Conduct: The BAIRA Code of Conduct was formulated in September 2010 to promote a high standard of practice in the international recruitment and employment of Bangladeshi workers. Recently, the 'Promoting Decent Work thorough Improved Migration Policy and its Application in Bangladesh Project' conducted a review with BAIRA of the existing codes of conduct and other voluntary guidelines was conducted. Accordingly, a new Code of Conduct has been formulated with assistance from the ILO and Swiss Development Cooperation (SDC).

Welfare Measures for Bangladeshi Migrants: The Government of Bangladesh has set up a Wages Earners' Welfare Fund which assists migrants who find themselves in situations of distress while overseas and provides relief to the families of deceased migrants. The fund is financed through the subscription of migrant workers' fees, interest earned on the licenses of recruitment agencies, a 10% surcharge fee collected through Bangladeshi missions abroad, and other personal contributions. The Fund has been used to set up welfare desks at international airports; conduct pre-departure briefings for migrants going abroad;[60] construct a one stop-service centre, i.e., residential facilities for expatriate Bangladeshis coming for short stays; provide assistance to 15 schools for children of expatriates; provide compensation of BDT 35,000 (USD 300) to cover the transportation cost of the dead body and funeral/burial expenses; and offer financial assistance of up to BDT 300,000 (USD 1500) to distressed families who do not receive compensation from the foreign employer.[61]

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[58] 'Multi–use of smart cards suggested', available at http://www.dhakatribune.com/bangladesh/2013/jun/03/ multi%E2%80%93use-smart-cards-suggested (accessed 03 August 2014).

[59] 'Dhaka issues smart cards for workers in Kingdom', available at http://www.arabnews.com/news/448089 ?quicktabs_stat2=1 (accessed 3 August 2014)

[60] The Government has arranged for a pre-departure training to migrant workers, 21-day mandatory training for domestic workers bound for the Middle-East and two-month long residential training for Hong Kong bound domestic female workers.

[61] 'Bangladesh: Wage Earner's Welfare Fund', available at http://www.samren.net/Govt_Programmes/ bangladesh/B1.htm (accessed 03 August 2014)

Health Examination of Migrant Workers: The Government of Bangladesh introduced the 'Health Examination Policy for Bangladeshi Migrant Workers' in 2008. The primary aim of the policy is to guide the process of selecting medical centres and ensuring a minimum standard for health infrastructure and examination processes. The policy includes procedures for application and selection of medical centres; establishment of a medical centre selection committee, including their roles and responsibilities; fees for health examination; and issuance of health certificates.[62]

Trainings for Labour Attachés: The Government of Bangladesh organizes training workshops for Labour Attachés on a regular basis in order to reduce migration costs, protect and ensure the welfare of Bangladeshi expatriate workers abroad, develop marketing capacities and undertake skills development, harness the benefits of expatriate labour, use the Migrant Welfare Fund effectively, and hold recruitment agents and agencies accountable.[63] These training programs have been running successfully and a manual for labour attachés has been developed with support from IOM.[64]

The Perspective Plan for Bangladesh: The government's development plan for 2010-2021 includes provisions to enhance women's empowerment and gender equality in the country. Some of the major elements include: withdrawal of reservations to CEDAW and review of all policies relating to gender inequality in order to "ensure gender sensitive good governance, security at home and in the workplace, rule of law, and transparency and accountability in all public and private organizations";[65] strengthening of the economic participation rate of women from 29 per cent to at least 40 per cent by 2021; providing women their "rightful share" in skills development training; and improving women's professional capacities.

India

The Government of India has established numerous mechanisms to address issues of migration. Due to the large scale of Indian migration to countries in Western Europe, North America, and elsewhere and the contribution of this diaspora population to India, the institutional mechanisms are focused on them and less on the temporary labour migrants going to the Gulf countries, Malaysia, and elsewhere. The institutional mechanisms as well as practices/initiatives that mention women focus primarily on issues of trafficking.

Institutional Arrangements

As stated above, India has a plethora of government institutions that are engaged in addressing issues of migrant workers and their families. Given the focus the Indian government has placed on issues of trafficking, most of the government institutions work on

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[62]   'Health Examination Policy for Bangladeshi Migrant Workers 2008, published in Bangladesh Gazette, 5 February 2009.

[63]   'Labour Attaché Training II: Workshop Report' https://www.google.com.np/url?sa=t&rct=j&q=&esrc=s&source =web&cd=1&cad=rja&uact=8&ved=0CCYQFjAA&url=http%3A%2F%2Fapmigration.ilo.org%2Fresources%2 Flabour-attache-training-workshop-report%2Fat_download%2Ffile2&ei=I4CIU_fSNYijugSYjoHADw&usg =AFQjCNFRID57ggkJgJPVKGUwdYRJIJVmBg (accessed 06 August 2014)

[64]   'Labour Attaché Training: Workshop Report', available at http://apmigration.ilo.org/resources/labour-attache -training-workshop-report/at_download/file1

[65]   Government of Bangladesh. Perspective Plan of Bangladesh 2010-2021 http://www.plancomm.gov.bd/ wp-content/uploads/2013/09/Perspective-Plan-of-Bangladesh.pdf

addressing these issues as well. There are a few agencies such as the ministry that manages migration in India, the Ministry of Overseas Indian Affairs that work specifically with the larger migrant population from India.

Ministry of Overseas Indian Affairs (MOIA): Established in 2004, MOIA is the central ministry for the management of migration in India. It coordinates activities aimed at reaching out to the Indian diaspora and strives to build and foster networks with overseas Indians in order to "tap the investible diasporic community in terms of knowledge and resources." Besides, MOIA is also engaged in improving the emigration governance regime and proposing and implementing related reforms (MOIA 2012/13).

> ### India: Institutional Arrangements
>
> - Ministry of Overseas Indian Affairs (MOIA)
> - Protector of Emigrants (POE)
> - Ministry of Home Affairs (MoHA)
> - Anti-Human Trafficking Units (AHTUs)
> - Ministry of Women and Child Development
> - Directorate General of Employment and Training
> - National Commission for Women
> - National Human Rights Commission

Protector of Emigrants (POE): Established under the MOIA, POE is responsible for granting emigration clearance to prospective emigrants in accordance with the Emigration Act (1983). The powers accorded to POE include: providing protection and assistance to prospective emigrants and emigrants; overseeing compliance of the Act; inquiring into the treatment received by emigrants during their stay abroad and during their return; and reporting to the Protector General on the situation and experiences of emigrants.[66]

Ministry of Home Affairs: The Ministry of Home Affairs (MoHA) has multiple responsibilities, the most important are internal security, management of paramilitary forces, border management, centre-state relations, administration of union territories and disaster management.[67] In terms of gender equality issues, the MHA has been engaged in: issuing advisories to state governments on steps that need to be taken to ensure greater protection of women; gender sensitization of personnel; establishment of counselling centres and shelter homes for women who have been victimized; setting up special women's courts; and improvements of schemes developed for the rehabilitation and reintegration of women who have been victims of crime, including trafficking-related offenses.[68]

Anti-Human Trafficking Units/Cells (AHTU):[69] AHTUs are units established by the MoHA to address issues of human trafficking. Accordingly, nodal cells have been set up in several states to coordinate activities relating to trafficking, including: building infrastructure at the government level, strengthening capacity of responders, facilitating law enforcement, involving civil society actors, supporting victims, creating anti-trafficking portals, and promoting collaboration with all stakeholders. Wherever possible, female police officials have been associated with AHTUs. If female police officials are not available, there is a mandatory requirement to have a female NGO worker engaged during rescue and post-rescue interviewing, counselling, etc. Starting as a project supported by UNODC in 2007, as of May 2014 the MoHA had established AHTUs in 260 districts across India (MoHA 2012).

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66 'Protector of Emigrants', available at http://moia.gov.in/services.aspx?ID1=116&id=m8&idp=114&mainid=73

67 'Mandate and organizational structure of the Ministry of Home Affairs', available at: http://www.satp.org/satporgtp/countries/india/document/papers/mha07-08/chapter1-07.pdf (accessed 03 August 2014)

68 'Crime Against Women', http://www.mha.nic.in/caw

69 See 'Anti Trafficking Cell' available at http://mha.nic.in/ATC_new

Ministry of Women and Child Development (MWCD): The MWCD is the national agency responsible for formulating plans, policies and programmes as well as enacting/amending existing legislation to promote the holistic development of women and children. The programmes supported by MWCD cover a wide range of services such as welfare and support services, employment and income generation, awareness generation and gender sensitization. The MWCD is also responsible for ensuring the implementation of certain crucial acts such as Immoral Traffic (Prevention) Act (1986).[70] In addition, the MWCD has also initiated several innovative programmes for the rehabilitation of trafficked persons including the Swadhar Scheme[71] and the Ujjwala Schemes.[72]

Directorate General of Employment and Training (DGET): The DGET is the nodal agency set up by the Ministry of Labour and Employment to promote vocational training in the country. Under the DGET, a separate Women's Training Wing is responsible for designing and pursuing long-term policies relating to women's vocational training and promoting the employment of women by increasing their participation in skills training. The DGET has established 11 Institutes under the Women's Training Wing, including one National Vocational Training Institute (NVTI) and 10 Regional Vocational Training Institutes (RVTIs). At the present, more than 6,500 trainees are trained annually in various long- and short-term courses. Based on the success of these training programmes, the Government of India has plans to establish more RVTIs in the future.[73]

National Commission for Women (NCW): NCW is a statutory body responsible for: conducting gender-sensitive legislative reviews; making recommendations to the government on matters relating to effective implementation of laws; investigating complaints relating to violations of women's rights; conducting studies on issues relating to women and advising in the planning process for socio-economic development of women.[74] One of the major initiatives of the NCW is the drafting of an act specifically for domestic workers, the Domestic Workers Welfare and Security Act that provides for decent working conditions for domestic workers. However, the Act is yet to be passed by Parliament.[75]

National Human Rights Commission (NHRC): The NHRC is an autonomous body with the mandate to: conduct legislative reviews; investigate cases of human rights violations; promote awareness-raising in collaboration with NGOs; and make recommendations to the government on promotion and protection of human rights. A landmark initiative by NHRC was a national survey on human trafficking in India over the period 2002-2004 which exposed the weaknesses of the response system and paved the way to create a national system to prevent and combat human trafficking.[76]

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[70]   'About Us' available at: http://wcd.nic.in/ (accessed 08 March 2014)

[71]   The Swadhar Scheme seeks to address the vulnerabilities and circumstances of women in difficult circumstances through a Home-based holistic and integrated approach. See http://wcd.nic.in/revisedswadhar.htm

[72]   The Ujjwala Scheme or the 'Comprehensive Scheme for Prevention of Trafficking for Rescue, Rehabilitation and Re-Integration of Victims of Trafficking for Commercial Sexual Exploitation' seeks to prevent trafficking of women and children as well as rescue and rehabilitation of victims. For more details, see http://wcd.nic.in/schemes/ujjawala.pdf.

[73]   'Overview', available at http://www.dget.nic.in/content/institute/overview-wt.php (accessed 06 August 2014)

[74]   See 'National Commission for Women' available at http://ncw.nic.in/

[75]   See 'No progress on law to protect domestic helps' available at http://timesofindia.indiatimes.com/city/delhi/No-progress-on-law-to-protect-domestic-helps/articleshow/24892532.cms

[76]   'A Report on Trafficking in Women and Children in India 2003-2003, National Human Rights Commission, Institute of Social Sciences and UNIFEM, New Delhi. http://nhrc.nic.in/Documents/ReportonTrafficking.pdf

Private, Semi-Government and Civil Society Mechanisms

One of the strength of the migration regime in India is the range of institutions providing complementary services, including private initiatives, civil society movements and academic/research centres. While some of these institutions are directly focused on addressing safety of women and children, especially from the perspective of trafficking, others address broader issues of migration. These mechanisms focus on the key issues and concerns of the Indian state related to internal migration including domestic workers, children working

> ### India: Private, Semi-Government and Civil Society Mechanisms
>
> - Overseas Indian Facilitation Centre (OIFC)
> - Central Advisory Committee on Trafficking (CAC)
> - Bachpan Bachao Andolan (BBA)
> - Mamidipudi Venkatarangaiya Foundation or MV Foundation (MVF)
> - National Domestic Workers' Movement (NDWM)
> - India Centre for Migration (ICM)
> - Centre for Development Studies (CDS)
> - V.V.Giri National Labour Institute

under abusive and exploitative conditions, trafficking of girls, etc. Some of the major initiatives are outlined below.

Overseas Indian Facilitation Centre (OIFC): OIFC is a not-for-profit public-private initiative of the MOIA and the Confederation of Indian Industry (CII). Currently, OIFC's activities include responding to queries on issues faced/raised by the Indian diaspora, management of online business networking portal, and Market Place forums in India and overseas.[77]

Central Advisory Committee (CAC) on Combating Trafficking: The CAC was formed in 1994 with the Secretary of the MWCD as the chairperson. It is the outcome of the Supreme Court Judgment in the *Vishal Jeet vs Union of India* case wherein the Supreme Court directed the formation of a Committee at the Central and State levels to consider issues of trafficking, particularly child trafficking. Over the years, the membership of the CAC has grown to include representatives from the central government, State governments, and civil society groups. It has become a forum that facilitates interaction between stakeholders to understand issues related to trafficking and to develop strategies to combat them.[78]

Bachpan Bachao Andolan (BBA): BBA began its operation in 1980 and is a mass movement that seeks to create a child friendly society where all children are "free from exclusion and exploitation" and receive free and good quality education. Some of the major accomplishments of BBA include: the revision of the definition of trafficking by the Supreme Court of India through a case filed by BBA in 2011, following which the Government of India also ratified the Palermo Protocol on 10th May 2011; BBA's submissions being reflected in Sections 370 and 370 A of the Indian Penal Code and into the Criminal Law Amendment Ordinance 2013; and a petition before the Supreme Court of India on the issue of missing children. In addition, the BBA has been involved in programme interventions such as providing victims assistance (which involves a pioneering model that comprises rescue operations, persecution of traffickers/employers and the rehabilitation of survivors) and rehabilitation

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[77]   'Overseas Indian Facilitation Centre (OIFC)', available at http://moia.gov.in/services.aspx?ID1=205&id=m2&idp=205&mainid=196 (accessed 03 August 2014)

[78]   'Indian Government Update on Human Trafficking', http://nlrd.org/resources-womens-rights/anti-trafficking/anti-trafficking-schemespolicy-document/indian-government-update-on-human-trafficking

measures that include trauma counselling, statutory rehabilitation, Mukti Ashram that provides immediate support and access to services for children rescued from child labour and trafficking, and Bal Ashram that serves as a long-term rehabilitation and training centre.[79]

Mamidipudi Venkatarangaiya Foundation or MV Foundation (MVF): Established in 1981, the MV Foundation is a registered Trust that works on issues relating to social transformation. Some of the pioneering programs introduced by the MVF include: (i) Residential Bridge Course Camp that focuses on girl children working as domestic workers, rag pickers, construction labourers, and street children; (ii) Education for Girls in 15-18 Years Age Group that involves community mobilisation, training programmes for all stakeholders, and tracking mechanism for the children.[80]

National Domestic Workers' Movement (NDWM): NDWM is a movement and a non-governmental organization working with domestic workers, child domestic workers and migrant workers. Through active lobbying, advocacy and campaigning, the NDWM helps domestic workers attain their rights and demands justice for them as workers. More specifically, NDWM activities include organizing domestic workers, empowering them through leadership and capacity-building programmes and informing them of their rights; conducting awareness campaigns to sensitize the public, governing bodies and policy-makers of the plight of domestic workers; providing due justice to domestic workers along with recognition and dignity of labour; intervening in crisis situations and helping trafficked women and child domestic workers be re-instated with their families, before being given necessary trauma counselling and support along with medical aid; and advocating, campaigning and lobbying with governing bodies, policy-makers and society in general. NDWM is currently preparing a database of domestic workers, forming and working with self-help and savings groups, and forming employer groups. Through the efforts of NDWM, domestic workers in Andhra Pradesh, Tamil Nadu and Kerala are now entitled to fair wages as per the Minimum Wages Act (1948) and domestic workers in Andhra Pradesh have been issued identity cards in collaboration with the Labour Department.[81]

India Centre for Migration (ICM): Formerly known as Indian Council of Overseas Employment (ICOE), ICM is a "not-for-profit" society established by the Ministry of Overseas Indian Affairs (MOIA) in July 2008 to serve as a think tank on matters relating to international migration. The ICM undertakes empirical, analytical and policy-related research, implements pilot projects to document good practices, and assists in the capacity building of stakeholders at the sub-national level.[82] One of the major projects carried out by ICM with regards to female migrants is the 'Empowerment of Women Migrant Workers in the Gulf Initiative,' a pilot project implemented in Kerala and Andhra Pradesh in collaboration with UN Women to institutionalize 'good practices' in the entire cycle of migration from pre-departure to return and resettlement.[83]

Centre for Development Studies (CDS): Set up in 1971, the Centre for Development Studies (CDS) is an internationally renowned social science institution. The centre conducts

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[79] See 'Bachpan Bachao Andolan' available at http://bba.org.in/

[80] See 'M Venkatarangaiya Foundation' available at http://mvfindia.in/

[81] 'About NDWM', available at http://ndwm.org/vulputate-portaraesent-semper-bibendum/ (accessed 06 August 2014).

[82] 'Indian Centre for Migration', available at http://www.moia.gov.in/services.aspx?id1=75&id=m1&idp=75&mainid=73

[83] See, 'India Centre for Migration' available at http://www.moia.gov.in/services.aspx?id1=75&id=m1&idp=75&mainid=73

in-depth research on development, economics, trade, and migration. The CDS is affiliated with the University of Kerala and the Jawaharlal Nehru University (JNU). CDS has conducted research on migration, including from a gender perspective. Some of these include: 'Who goes? Failure of Marital Provisioning and Women's Agency Among Less Skilled Emigrant Women Workers from Kerala,' published in 2014 and 'Emigration of Women Domestic Workers from Kerala: Gender, State Policy and the Politics of Movement,' published in 2011.[84]

V.V.Giri National Labour Institute: Established in 1974, the V. V. Giri National Labour Institute is an autonomous institute established by the Ministry of Labour. One of the prominent areas of research undertaken by the institute is in the field of labour, particularly, unorganized labour. Recent publications from the Institute on gender and migration include: 'Migration from North-East to Urban Centres: A Study of Delhi Region' and 'Migration of Women Workers from South Asia to the Gulf,' both published in 2012.[85]

Infrastructure Development

Women's Desk in Police Stations/All-Women Police Stations: In 1986, the Government of India established the Crimes Against Women Cells (CAWC) to provide additional human resources, infrastructure and responsibilities to streamline efforts that address women-specific crimes. The CAWC also serve as places for legal aid and non-police services—women can access

India: Infrastructure Development

- Women's Desk in Police Stations/All-Women Police Stations
- Embassy support abroad
- Border Area Development Programme

NGOs and other free legal advice support. One of the major initiatives of the CAWC is the 24-hour helpline that assists callers in distress, including diverting calls to the nearest PCR (police control room) van that can assist women in need of help.[86] Various State governments have taken a number of additional measures such as setting up women's desks in police stations and establishing all-women police stations which that help bridge or reduce the gender gap in law-enforcement agencies in India.

Embassy Support Abroad: A good example of support provided by labour wings/attachés is the initiative taken by the Embassy of India in Kuwait. The Indian embassy there has a labour section, also known as the Indian Workers Welfare Centre, which helps the Indian migrants through (i) a 24x7 helpline, a toll-free telephone number accessible from all over Kuwait that provides information and advice exclusively to Indian domestic workers regarding grievances, immigration and other matters; (ii) a help desk which provides guidance to Indian nationals on routine immigration, employment, legal and other issues (it also provides illiterate workers assistance in filling out labour complaint forms); (iii) a labour complaints desk that registers labour complaints and provides grievance redress services to Indian workers; and (iv) a legal advice clinic where qualified Kuwaiti and Indian lawyers provide free legal advice to Indian nationals on matters such as labour disputes, terms of contracts with employers, and withholding of dues by employers. Further, the Welfare Centre provides Indian domestic workers in distress with food, accommodation,

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[84]   See 'Center for Development Studies' available at http://www.cds.edu/

[85]   See 'V. V. Giri National Labour Institute' available at http://www.vvgnli.org/

[86]   'Gender Sensitive Policing', available at http://csrindia.org/blog/2012/03/12/gender-sensitive-policing/

clothes and other basic necessities while their grievances are being addressed. It also attests work contracts.[87]

Border Area Development Programme (BADP): The BADP is an initiative of the Department of Border Management under the Ministry of Home Affairs that aims to meet the special needs of the people situated in the border area. As a centrally funded mechanism, BADP covers 358 border blocks of 96 border districts in 17 States across India. Activitiesc supported under BADP include: a model village initiative that seeks to provide a comprehensive development package to at least one village block in the border area; a mobile dispensary fitted with necessary portable equipment; community-based infrastructure projects like floriculture park, multi-utility community centres, mini-marketing facilities; and solar and mini-hydro projects as well as biogas and wind energy facilities. The purpose of these initiatives is to not only develop border areas but also assist in eliminating the sense of alienation and insecurity in the minds of people living in the border areas.[88]

Practices and Initiatives

Given that India's overall framework for migration emphasizes trafficking, many of the practices and initiatives in India that have made exemplary impacts are in this area. In addition, there are number of initiatives, particularly around access to health services, which are notable.

Advisory on Preventing and Combating Human Trafficking in India: Issued in May 2012, this advisory of the Ministry of Home Affairs outlines the procedure that State Governments/ Union Territory (UT) Administrations are to follow against foreign nationals who are apprehended in connection with human trafficking. The Advisory was issued with a view to prevent possible victimization of the trafficked individuals under the Passport and Foreigner Acts. In particular, the Advisory requires that if the foreign person rescued or detained is a victim, that person should not be prosecuted under the Foreigners Act and, instead, the details of these victims should be given to the Ministry of External Affairs immediately to ensure their timely repatriation through diplomatic channels. In the interim, if the victim is a child, he/she is to be taken care of in a children's home like the ones set up under the special schemes such

India: Practices and Initiatives

- Advisory on Preventing and Combating Human Trafficking
- Advisory on human trafficking as an organized crime
- Standard Operating Procedures (SOPs) on Trafficking
- Special Welfare Measures for Migrant Workers
- Pravasi Bharatiya Divas
- Pravasi Bharatiya Bima Yojana
- Rashtriya Swasthya Bima Yojana
- Enhancing Mobile Population's Access to HIV and AIDS Services, Information and Support (EMPHASIS)
- Beulah London
- Strengthening Capacity of Law Enforcement Officials
- Alternative Employment Opportunities for Women

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[87]   'Labour Section', available at http://www.indembkwt.org/ (accessed 6 August 2014)

[88]   See http://mha.nic.in/sites/upload_files/mha/files/BM_BADP-E-0112.pdf and http://mha.nic.in/sites/upload_files/mha/files/pdf/BADP-RGuid-0209.pdf

as "Swadhar" and "Ujjawala."[89] In the case of a trafficker, the Advisory states that he/she may be charged under the Immoral Trafficking Prevention Act and the Foreigners Act and due process of law needs to be followed.[90]

Advisory on human trafficking as an organized crime: In April 2012 the MHA issued an Advisory on human trafficking as an organized crime. The Advisory provides guidelines to law enforcement agencies on the manner and modalities to be adopted while investigating and prosecuting individuals implicated in the organized crime of human trafficking. The advisory is considered to be an important step in ensuring proper law enforcement and justice delivery and in protecting the interests of victims of trafficking.[91]

Standard Operating Procedures (SOPs) on Trafficking: Recognizing that preventing and combating human trafficking requires an integrated response from all stakeholders regarding prosecution, prevention and protection, the Government of India, in collaboration with UNODC and the US Government, implemented a project in 2006-2008 for capacity building of law enforcement agencies. Several SOPs, manuals, protocols and handbooks to empower and develop the capacity of stakeholders were developed. These include: SoP on Investigation of Crimes of Trafficking for Forced Labour, SOP on Investigation of Crimes of Trafficking for Commercial Sexual Exploitation, SOP for Inter-state transfer of rescued persons, handbooks for care givers, training manuals, films that focus on public awareness, collection of intelligence materials, registration of crimes, and actions relating to investigation and prosecution (UNODC 2009).

Special Welfare Measures for Migrant Workers: The Government of India has taken a number of special measures to ensure better protection and welfare of Indian workers, including: i) defining a minimum wage for emigrants; ii) stipulation of a security deposit USD 2500 per worker from the foreign employer directly hiring an Indian worker; and iii) compulsory attestation of employment documents for all women emigrants with ECR (emigration check required) passport (Sasikumar and Hussain 2008).

Pravasi Bharatiya Divas: Since 2003 the Government of India has hosted an annual diaspora conference, the Pravasi Bharatiya Divas observed on 9 January, designed to serve as a platform for interaction between overseas Indians, the Indian government, and interested segments of the Indian society, such as business owners and cultural and charity organizations.[92]

Pravasi Bharatiya Bima Yojana, 2006: The government has introduced a compulsory insurance scheme for all migrant workers who have obtained clearance from the Protector of Emigrants (POE). Under this scheme, the migrant workers are insured for a minimum coverage of INR 0.3 million for the entire period of the employment contract. Some of the salient features of the scheme include: (i) the cost of transporting dead body, in case of any such eventuality; (ii) transportation costs for workers who are stranded or experience

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[89] The Ministry of Women and Children Development, Government of India formulated the 'Comprehensive Scheme for Prevention of Trafficking for Rescue, Rehabilitation and Re-Integration of Victims of Trafficking for Commercial Sexual Exploitation', also known as Ujjawala Scheme, in December 2007, for the purpose of preventing trafficking on the one hand and rescue and rehabilitation of victims on the other.

[90] 'Advisory on Human Trafficking as organized crime', available at http://mha.nic.in/sites/upload_files/mha/files/CS-AdvHT-230812.pdf

[91] 'Integrated Plan of Action to prevent and combat human trafficking with special focus on women and children', available at: nhrc.nic.in/Documents/PLANOFACTION.doc (accessed 6 August 2014).

[92] 'Pravasi Bharatiya Divas', available at http://www.pbd-india.com/about.html (accessed 6 August 2014)

substantive changes in the employment contract; (iii) travel support to migrant workers who fall sick or are declared medically unfit to work; and (iv) medical coverage of a minimum of INR 50,000.

Rashtriya Swasthya Bima Yojana (RSBY): The RSBY or the "National Health Insurance Scheme" is a cashless health insurance project of the Government pf India implemented with the help of the German development agency, GTZ, to provide health services to communities below the poverty line. The "Smart Card" plan under the RSBY targets the informal sector, which includes migrant workers. As a result, NGOs in India have been particularly active in registering Nepali migrant workers under the scheme.[93]

Enhancing Mobile Population's Access to HIV and AIDS Services, Information and Support (EMPHASIS): EMPHASIS is a regional initiative introduced to reduce vulnerability to Sexually Transmitted Infection (STI), including HIV and AIDS, among cross-border migrants from Bangladesh to India and Nepal to India. The program used a network of outreach workers, peer educators and volunteers to empower migrants and families. It relied on IEC (information, education and communication) materials to impart awareness on safe mobility, safe remittances and a culture of saving of remittances. In the three countries, 55 community-led women's groups worked to encourage spousal communication in order to contribute to action around STIs and migration, and gain wider political acceptance for cross-border migration. Toward the end of the project, 13 different MoUs were signed by stakeholders including hospitals and ART (Antiretroviral Therapy) sites, transport workers unions, and organizations working on migrants, which have played a key role in facilitating migrants' access to services, information and support facilities. Particularly innovative in this regard has been the launch of "mobile Drop-in Centres (DICs)" and cross-border referral to access ART treatment for migrant populations. The EMPHASIS initiative was supported by Care International.[94]

Beulah London: Beulah London is a fashion company founded in 2009 to empower and provide alternative employment opportunities to women in Delhi who have been victims of the sex trade. The "Beulah Fashion with Compassion" Campaign offers Beulah Bags for sale. The bags are manufactured in the red-light district in Kolkata, by women of all ages who have escaped the situations of trafficking. The women are given fair wages, health insurance and training.[95]

Strengthening Capacity of Law Enforcement Officials: The Ministry of Home Affairs, in partnership with UNDOC and with support from the US Government, has strengthened the capacity of Indian law-enforcement officers and raised their awareness about human trafficking. In addition to the establishment of the Anti-Human Trafficking Units (AHTUs) as discussed above, other activities include: training of law-enforcement officers (police and prosecutors), developing resource tools/training materials, and networking among stakeholders. The impact of this initiative is obvious from the large number of convictions, the number of rescues of trafficked persons, effective rehabilitation, and innovative steps in justice delivery, such as video conferencing beyond the borders. The focus on gender is an important aspect of the project. Large-scale gender sensitization of the police, prosecutors, judiciary and other stakeholders has ensured that the women and girls rescued are treated

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[93] 'Rastriya Swasthya Bima Yojana', available at http://www.rsby.gov.in/about_rsby.aspx (accessed 6 August 2014).

[94] 'About us', available at http://www.care-emphasis.org/commonPage.php?id=21

[95] 'About us', available at http://www.beulahlondon.com/about-us

with dignity and respect, provided counselling and rehabilitation, and not victimized or punished, as was the case earlier.[96]

Alternative Employment Opportunities for Women: In an effort to provide alternative livelihood options to women and to reduce the risk of trafficking, the Karnataka State Industrial Investment and Development Corporation implements a training program for women in handloom weaving. By 2013 a total of 4,500 women and girls had secured employment after taking the training. This achievement is especially notable since a quarter of these women and girls are children of Davdasis (women who have been offered to gods, and are generally subjected to sexual exploitation). By being able to secure alternative sources of employment and livelihood, the scheme has been important in breaking the cycle of trafficking and severe exploitation of women and girls that used to happen in the name of tradition and religion (UN Women 2013b).

Nepal

As a recent entrant into the global migration regime, the overall framework for safe migration in Nepal is in the incipient stages of development. However, the institutional mechanisms, practices and policies that the Government of Nepal has adopted in conjunction with civil society groups and private organizations are notable. Not only do these measures point to the progress Nepal has been making to ensure safe migration, including women's migration, they also serve as important lessons for other countries in South Asia and beyond.

Institutional Arrangements

In Nepal, the institutional framework for addressing issues of safe migration is clearly bifurcated into two groups: those focused on labour migration issues, and those that handle matters relating to trafficking. While there have been recent initiatives to bring these two sets of stakeholders into a common front, the success has been somewhat limited.

Ministry of Labour and Employment (MoLE):[97] MoLE is the focal ministry for overseas employment and is responsible for designing policies and programmes relating to foreign labour migration while the Department of Foreign Employment (DoFE)

Nepal: Institutional Arrangements

- Ministry of Labour and Employment
- Ministry of Home Affairs
- Special Unit at the Prime Minister's Office
- Ministry of Women, Children and Social Welfare
- National Women's Commission
- Department of Foreign Employment
- Foreign Employment Promotion Board
- Foreign Employment Welfare Fund
- Foreign Employment Tribunal
- Labour Desk
- Labour Attachés

is the main implementing agency of government policies and programmes relating to labour migration. (See below for more information on DoFE.) In addition, MoLE is responsible for

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[96]   'Anti-Human Trafficking', available at http://www.unodc.org/documents/human-trafficking/Marika-Misc/Technical%20Assistance%20-%20India.pdf (accessed 30 May 2014).

[97]   See 'Ministry of Labor and Employment' available at http://www.mole.gov.np/eng/

the periodic monitoring and evaluation of the Foreign Employment Act (2007) and the Foreign Employment Policy (2012).

Ministry of Home Affairs: The Ministry of Home Affairs is the ministry responsible for providing critical services to citizens and maintaining security in the nation. The Nepal Police is the key law enforcement agency under the Ministry. They have established a Women and Children Service Directorate at the central level and Women and Children Service Centers at the district/area levels for handling the crime/violence cases against women and children.[98]

Special Unit at the Office of Prime Minister and Council of Ministers for addressing GBV issues: Under the Office of the Prime Minister and Council of Ministers, a Gender Empowerment Coordination Unit (GECU) has been established as an inter-ministerial unit to address gender-related challenges in the country. This initiative came after the enactment of the *Government of Nepal (Work Division) Rules (2012)*, which held different Ministries and line agencies responsible for directly or indirectly addressing issues of trafficking in persons, exploitation and promotion of human rights in the country.[99] Following the declaration from the Prime Minister stating 2010 as the year to combat gender-based violence, a GBV cell was created to increase public awareness on GBV, formulate a National Action Plan against gender-based violence with a special focus on protection and prevention of women and girls, and enhance measures to ensure that the perpetrators are punished according to the law.[100]

Ministry of Women, Children and Social Welfare (MoWCSW): The responsibility of MoWCSW is to empower deprived and disadvantaged women and children. The MoWCSW manages various types of women's development programmes at the community level. In addition, it supports eight rehabilitation centres for the victims of trafficking, domestic violence and sexual assault, at times working with NGOs.[101]

National Women's Commission (NWC): The main objective of the Commission is to protect, promote, and safeguard the interests and rights of women and uphold justice through overall development of women. More specifically, in addition to supporting policy formulation and reform, the NWC also provides legal and other support to vulnerable women; engages in raising awareness on behaviours and practices that are harmful for women; and monitors the implementation of Nepal's obligations under international conventions relating to gender injustices. A major activity of the NWC is their participation in the global '16 Days of Activism Against Gender Violence' campaign.[102]

Department of Foreign Employment (DoFE):[103] To support the effective management and regulation of foreign employment, the Government of Nepal established the Department of Foreign Employment (DoFE). It is responsible for issuing and renewing institutional licenses of recruitment agencies, licensing of orientation centres as well as issuing labour permits to migrant workers. Furthermore, the DoFE also holds the authority to punish breaches in licensing terms and conditions with fines.

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[98]   See 'Major Activities' available at http://www.moha.gov.np/home/pagedetails/22

[99]   'Trafficking 'Trafficking in Persons Especially of Women and Children in Nepal' available at http://www.nhrcnepal .org/nhrc_new/doc/newsletter/1289900699Report%20of%20Trafficking%20in%20Persons%20(Especially %20on%20Women%20and%20Children)%20National%20Report%202012-2013-Eng.pdf

[100]   See 'Preliminary Mapping of Gender Based Violence' available at http://asiafoundation.org/resources/pdfs/ GBVMappingNepal.pdf

[101]   See 'Ministry of Women, Children and Social Welfare' available at http://www.mowcsw.gov.np/en/

[102]   See 'Activity list' available at http://www.nwc.gov.np/np/mainStory/showActivity/19

[103]   See 'Department of Foreign Affairs' available at http://www.dofe.gov.np/en/

Foreign Employment Promotion Board (FEPB):[104] In accordance with the Foreign Employment Act (2007), the Foreign Employment Promotion Board is responsible for undertaking welfare activities for overseas migrants and making foreign employment safe, systematic and respectable. The major functions of the FEPB include: studying and exploring new international markets for Nepali workers; collecting, processing, and publishing information for the promotion of foreign employment; mobilizing the Foreign Employment Welfare Fund to protect the interests of workers; formulating, implementing, monitoring and evaluating programmes to utilize the skills and capital of returnees; reviewing laws relating to foreign employment and providing suggestions to the government; and advising the government on determining service charges to be levied by recruitment agencies, among others (Sijapati and Limbu 2012).

Foreign Employment Welfare Fund: The Government of Nepal has established a Foreign Employment Welfare Fund under the FEBP in order to ensure the social security and welfare of workers and their families. The Fund consists of the amount paid by workers going abroad for employment; interest accrued from the deposits; license and license renewal fees obtained from recruitment agencies and training institutions; and other grants and assistance. The Fund is used primarily to provide training to workers going overseas for employment, repatriate workers to Nepal, bring back unattended bodies as well as provide compensation and financial assistance to families of such workers.[105]

Foreign Employment Tribunal (FET): As per the mandate of the Foreign Employment Act (2007) a three-member Foreign Employment Tribunal was established in 2010. The Tribunal is a semi-judicial body that tries and settles cases other than those punishable by the DoFE. The three members of the Tribunal include a judge from an appellate court as president, a judge from the labour court, and a first-class officer of judicial service. The establishment of this tribunal and the recent setting up of the Special Government Attorney's Office in November 2013 with jurisdiction over state cases in which the government is a party have enabled people who have fallen victim in the course of foreign employment to circumvent the long procedural processes of the district courts.[106]

Labour Desk: The Government of Nepal has established a Labour Desk at the international airport in Kathmandu to examine whether migrating workers have employment in accordance with the Foreign Employment Act (2007). The workers are expected to show a labour permit, a certificate of having received an orientation, a receipt or voucher of payment of money as well as necessary documents at the desk. This provision has helped regulate the illegal outflow of workers.

Labour Attachés: The Government of Nepal has also adopted a policy of appointing labour attachés to a country where more than 5,000 Nepalis work. As of April 2014, the Nepali embassies in four Gulf countries (Kuwait, Qatar, Saudi Arabia, and the United Arab Emirates) have a labour attachés and there are plans to appoint more. The labour attachés' responsibilities include research and advice to the government regarding the labour market in the destination country and support to migrant workers. The latter includes dispute resolution, repatriation of workers who have been made "helpless", repatriation of the remains of a deceased worker, and "providing necessary advice" to workers.

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[104]   See 'Foreign Employment Promotion Board' available at http://fepb.gov.np/

[105]   Footnote 104.

[106]   'Foreign Employment Tribunal establishes in Nepal', available at http://www.gefont.org/activity_detail.php?id =624 (accessed 6 August 2014). See also, Sijapati and Limbu 2012, Paoletti et al. 2014.

Private, Semi-Government and Civil Society Mechanisms

Pourakhi: Pourakhi is a non-governmental organization of female migrant workers that seeks to ensure respect for the rights of migrant women workers in the entire migration process, including pre-departure, at destination and upon return. Pourakhi's activities have focused on information dissemination, networking, capacity building, and empowerment, especially of women migrant workers.

Pravashi Nepali Coordination Committee (PNCC): PNCC is a network of Nepali migrant workers across the Gulf countries that aims to promote the rights of migrant workers through advocacy, counselling, lobbying and empowerment of workers. One of PNCC's key activities is direct support to migrant workers in destination countries (see below for details).

> ### Nepal: Private, Semi-Government and Civil Society Mechanisms
> - Pourakhi
> - Pravashi Nepali Coordination Committee (PNCC)
> - Asian Human Rights and Culture Development Forum (AHRCDF)
> - Women's Rehabilitation Centre (WOREC)
> - Cente for the Study of Labour and Mobility (CESLAM)
> - Nepal Institute of Development Studies (NIDS)
> - Nepal Association of Foreign Employment Agencies (NAFEA)
> - Nepal Foreign Employment Agents Association
> - Federation of Nepal Foreign Employment Orientation Agency (FEONA)
> - Gulf Cooperation Council Approved Medical Centres Association (GAMCA)
> - National Network on Safe Migration

Asian Human Rights and Culture Development Forum (AHRCDF) Migrant Centre: AHRCDF is a social organization established by returnee migrant workers that works in the fields of education, health care, skill development, and awareness raising amongst migrant workers. The ADRCDF plays an active role in assisting poor and marginalized groups including vulnerable children, women, migrant workers and their families.

Women's Rehabilitation Centre (WOREC): WOREC is a human rights organization that was initially established to address the issue of human trafficking. Its programs focus on violence against women, protection and recognition of women human rights defenders, safe migration and human trafficking, and the economic, social and cultural rights of women and other marginalized populations. The program on safe migration for women includes advocacy related to safe migration, counselling services, migration information booths at strategic locations, and development of educational materials targeted at female migrants.

Nepal Institute of Development Studies (NIDS): NIDS is a non-governmental research organization established in 1998 that aims to conduct innovative research and support alternative development models; implement programs to raise awareness on critical issues; empower local institutions to implement sustainable development programs; and conduct research on various topics related to migration. NIDS' research and advocacy work has influenced policy as well as programmatic directions of labor migration in Nepal.

Centre for the Study of Labour and Mobility (CESLAM): CESLAM is a research centre established in 2011. Its primary objectives are: contributing to broader theories and understandings on labour and mobility by cultivating new insights through interdisciplinary research;

conducting reliable, policy-relevant research on critical issues affecting working people and developing policy alternatives; improving understanding of the impact of labour and migration; and serving as a forum to foster academic, policy and public debates about labour and mobility. Some of the major research initiatives undertaken by CESLAM include: analysis of migration trends and patterns; research on migrant workers' access to justice; labour market analysis and projections for the future; and analysis of socio-economic impacts of migration and remittances.

Nepal Association of Foreign Employment Agencies (NAFEA): NAFEA is an umbrella organization of recruiting agencies that seeks to defend the rights of both migrant workers and member organizations. NAFEA established a Code of Conduct that encourages members to practice fair and transparent recruitment, and makes them accountable for protecting the rights of migrant workers. In addition, the Code also states that there shall be no discrimination against women in the selection of workers and that preference will be given to women in job placement. Recent initiatives undertaken by NAFEA include: preparation of a data bank containing detailed information on prospective migrants as well as overseas employment agencies, which would be accessible to government and recruitment agencies; lobbying to amend the Foreign Employment Act (2007); advocating for compulsory recommendation of NAFEA while providing licenses to new recruitment agencies; and revising the existing training modules for vocational and skills training.[107]

Nepal Foreign Employment Agents Association: The agents registered with the Department of Foreign Employment (DoFE) have formed an umbrella organization to serve their interests in a collective manner. There are 621 agents licensed to carry out foreign employment related work as of October 2014.[108]

Federation of Nepal Foreign Employment Orientation Agency (FEONA): FEONA is an umbrella organization of the licensed institutions providing pre-departure orientation training to migrant workers in Nepal. The objectives of the association are to unify the orientation institutes in their responsibility, to share information, to maintain consistency in issuance of certificates (and to prevent their misuse), and to give or take advice from/to related government line agencies and national and international nongovernmental organizations.

Gulf Cooperation Council Approved Medical Centres Association (GAMCA): GAMCA is an association of medical centres that conduct medical examinations of migrant workers heading to four of the Gulf countries namely Bahrain, Kuwait, Oman and Saudi Arabia. These countries accept medical reports only from the centres affiliated with GAMCA. The recruitment agencies send workers to the GAMCA office from where they are referred to one of the 12 medical centres working under it in Nepal.

National Network on Safe Migration: The National Network on Safe Migration includes more than 26 organizations working together to advocate and monitor activities related to the rights, protection and welfare of migrant workers. Major initiatives undertaken by the network include raising awareness on safe migration and lobbying different stakeholders for necessary policy amendments.

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[107]   See 'Nepal Association of Foreign Employment Agencies' available at http://www.nafea.org.np

[108]   Department of Foreign Employment, 'Agent Details Kartik 2071', available http://dofe.gov.np/new/pages/details/39

Infrastructure Development

Border Control and Migration Management Assessment in Nepal: The Ministry of Home Affairs with support from the IOM undertook an assessment of Nepali migration management practices, border control, and information management systems. A six-member team comprising key Government of Nepal (GoN) officials, IOM experts and an external

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Nepal: Infrastructure Development

- Border Control and Migration Management Assessment
- Women's Cells
- Border Surveillance Monitors and Shelters

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consultant undertook an intensive ground border assessment in May 2011. The assessment led to 113 recommendations for improved border control, migration and information management systems, including the capacity to manage regular and irregular movement of people (Ministry of Home Affairs and IOM 2011). The needs assessment report was submitted to the Secretary at the Ministry of Home Affairs, and 21 GoN officials involved in border control were trained on the basics of border control and migration management in December 2011.

Women's Cell: In 1996 the Nepal Police established five women and children service centres, one at the central level and four in the districts of Kathmandu, Lalitpur, Kaski and Morang with the aim of ensuring widely available, fair and specialized services for women and children. As a signatory to the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Right of the Child (CRC), Nepal is obliged to provide protection to and fair treatment for women and children, offenders and victims alike. The establishment of the Women's Cell marked a positive step in that direction. Currently, there are Women's Cells in all 75 districts, as well as in seven metropolitan circles in Kathmandu Valley.[109]

Border Surveillance Monitors and Shelters: Maiti Nepal has been collaborating with the border police and employing trafficking survivors as "border guards" in surveillance teams that work with the border police and private security guards at the official border crossing points between Nepal and India to observe daily crossings and intercept women and girls in "suspicious circumstances." By patrolling the border to intercept suspected trafficking victims, Maiti Nepal has reportedly rescued and rehabilitated more than 12,000 women and girls.[110] As a part of the Cross Border Programme on anti-trafficking, Saathi, another NGO has established border transit posts and two transit centres for girls intercepted at the border. As part of their prevention programs, both Saathi and Maiti Nepal have formed community watch groups to counter GBV cases at local level, and used radio and television for disseminating information on safe migration.

Practices and Initiatives

Domestic Workers Directive: In 2010 the government of Nepal introduced the Domestic Workers Directive for sending domestic workers to Saudi Arabia, Qatar, Kuwait and the United Arab Emirates in order to make employers more accountable and to reduce the

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109   'Women and Children Service Directorate', available at http://www.nepalpolice.gov.np/women-children-service-directorate.html (accessed 6 August 2014)

110   http://www.maitinepal.org/. See also, Lee 2013.

chances of exploitation. The directive enlists provisions for basic monthly salary, insurance, safe accommodation, safety assurance, regular contact (with family and embassy) and other appropriate measures as stated by the concerned embassy. The directive also has special provisions for female domestic workers, including provisions for a separate room and bathroom, to be provided by the employer. Accordingly, Nepali embassies are to ensure that all conditions are satisfied before employers can hire domestic workers. Moreover, the directive stipulates that after the domestic worker reaches the destination country, the embassy may acquire the domestic worker's passport from the employer, if and when required for any official purpose.[111]

> ### Nepal: Practices and Initiatives
>
> - Domestic Workers' Directive
> - Migrant Resource Centre(s)
> - Safer Migration Initiative
> - Programme to Reduce Risks of Trafficking
> - Support to Migrant Workers in Destination Countries
> - Economic Security of Women Migrant Workers
> - Anti-Trafficking Initiatives
> - Labour Village

Migrant Resource Centre(s): In 2010 the Government of Nepal established a Migrant Resource Centre located at the Foreign Employment Promotion Board.[112] The MRC is responsible for disseminating information pertinent to the welfare of migrants and the general promotion of migration. The MRC has provisions for 'virtual' services via email and a toll-free number.[113] Besides the MRC housed within the FEPB, both government and civil society groups have been running MRCs throughout the country.

Safer Migration Initiative (SaMi): The MoLE, in collaboration with Helvetas Swiss Inter-Cooperation, has implemented the SaMi Project across Nepal to make foreign employment safer and beneficial for both men and women. To help migrant workers make informed decisions on migration and to protect themselves against fraud and exploitation, SaMi has established Migration Information and Counselling Centres throughout Nepal. These Centres are responsible for the dissemination of information relating to migration and facilitation of access to justice through paralegal aid. The SAMI Project also includes capacity building for concerned government agencies such as MOLE, DOFE, FEPB and FET.[114] The SaMi Project has developed a strong partnership with other stakeholders. At the national level, it works with Pourakhi on shelter and counselling, the People's Forum for Human Right for legal/paralegal support, the Pravasi Nepali Coordination Committee to provide paralegal support to migrants in the destination countries, the Asian Human Rights and Cultural Development Forum for outreach services, the Centre for Mental Health and Counselling Nepal for psycho-social counselling to families of migrants and victimized returnee migrants, and F-SKILL to provide training for potential migrants.[115]

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[111] 'Directive to Organise Nepali Domestic Workers 2010,' Department of Foreign Employment, www.dofe.gov.np; See also, Sijapati and Limbu 2012.

[112] 'IOM, Nepali Government Open Migrant Resource Centre in Kathmandu', available at http://www.iom.int/news/iom-nepali-government-open-migrant-resource-centre-kathmandu (accessed 7 August 2015)

[113] http://fepb.gov.np/content.php?id=1009

[114] 'Safer Migration Project' available at: http://nepal.helvetas.org/en/our_projects/sami.cfm (accessed 8 March 2014)

[115] 'Safer Migration Project', available at http://nepal.helvetas.org/en/our_projects/sami.cfm (accessed 6 August 2014)

Programme to Reduce Risks of Trafficking: The Government of Nepal, with support from IOM, has been working towards creating avenues for the economic development of women vulnerable to trafficking and re-trafficking. Using a multi-stakeholder approach, this initiative involves contributions from numerous actors: corporations extend business opportunities and provide business-specific training, market linkages, skills training and job placements; several NGOs provide psycho-social counselling as well as daily support; training institutions provide vocational and technical skills training; the Ministry of Women, Children and Social Welfare (MoWCSW) extends legal and infrastructural support; and IOM is responsible for overall planning and coordination among stakeholders and for the overall monitoring and ensuring implementation of all project activities. In addition, a standard guideline handbook on psycho-social counselling has been prepared. As well, the project has raised awareness on the importance of Corporate Social Responsibility among businesses in order to address the problem of human trafficking. The project has been successful in the economic rehabilitation of multiple survivors and potential victims of trafficking through supporting enterprise setup and providing job placement opportunities. These individuals have left the NGO shelter and are living independently, re-integrated into their families and the society.[116]

Support to Migrant Workers in Destination Countries: The Pravasi Nepali Coordination Committee (PNCC), an NGO, entered into a cooperative agreement with the Ministry of Foreign Affairs in 2012 to work with the Nepali Embassy in Qatar to support Nepali workers in distress. This arrangement has helped PNCC provide advice and counselling to migrant workers, assist in accessing justice in the destination countries, including making claims for compensation, and help migrant workers communicate with the Nepali embassy. In addition, PNCC also helps coordinate assistance to migrant workers, including tracking and tracing them in destination countries by utilizing its physical and virtual (internet) networks of organizations in destination countries.[117]

Economic Security of Women Migrant Workers: From 2009 to 2011, the Government of Nepal though the Ministry of Labour and Employed launched a programme in collaboration with UN Women, the Nepal Institute of Development Studies (NIDS) and Pourakhi (an organization of women migrant workers), to provide entrepreneurial skills to more than 700 returnee female migrant workers. The project included a component on group mobilization for safe migration through formation of community alert groups (CAG). Of the returnee female migrant workers who had received training, 608 initiated or upgraded their business/enterprises. Through CAGs local bodies were more aware of the need to be responsive to the issues of women migrant workers. A partnership agreement was signed between the Ministry of Federal Affairs and Local Development (MoFALD) and MoLE to mainstream migration issues into the agenda and functions of local bodies. Similarly, the Ministry of Labour and Employment, Ministry of Federal Affairs and Local Government and UN Women conducted a joint project, "Economic Security of Migrant Workers" (2009-2011) with support from IFAD. The project focused on providing alternative livelihood opportunities by giving women migrant workers and women from migrant families entrepreneurship development training (Bhadra 2013).

Anti-Trafficking Initiatives: There are several NGOs in Nepal, such as Change Nepal, Maiti Nepal, ABC Nepal, National Network Against Girl Trafficking (NNAGT) and Shakti Samu-

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[116]   'Trafficking Risk Reduction in Nepal' available at http://nepal.iom.int/jupgrade/index.php/en/aboutus/18-topic -details/53-trafficking-risk-reduction-in-nepal (accessed 6 August 2014)

[117]   'About us', available at http://www.pncc.org.np/?content&id=21 (accessed 6 August 2014)

ha, that work to combat trafficking in Nepal. The major areas of work of these organizations include research and documentation of trafficking; advocacy and lobbying for policy reform; awareness raising in the community; establishment of helpline services; establishment and operation of community surveillance systems; empowerment of community and vulnerable groups such as girls and women; legal services for survivors; facilitation of cross-border rescue, raids and repatriation; and establishment of rehabilitation centres for rescued survivors where they can receive safe shelter, medical and legal aid, and counselling, and learn other skills. One example of the effectiveness of these measures is that the prevention, advocacy, rescue and rehabilitation support provided by Maiti Nepal led to 2,809 cases of interceptions at the border areas, with 142 victims being rescued and 27 prosecution cases of human trafficking being initiated (Maiti Nepal 2013).

Labour villages: In August 2014, the Government of Nepal announced its plan to bring together all the services provided by DoFE under a single roof by setting up a labour village. The labour village will host three separate desks for the major destination countries of Malaysia, Saudi Arabia and Qatar in order to facilitate the migration of workers to these countries (for other countries, the DoFE will continue providing services in the current form). The main aims of setting up the labour village are to speed up the services related to foreign employment, to minimise the cost of travel for the migrants, and to ensure transparency.[118]

Regional Arrangements

Besides the regional policy framework mentioned in Chapter 3, there have been recent efforts in South Asia to develop regional mechanisms that would support safe migration of both women and men. Evidently, compared to other regions, these are not significant. However, the adoption of migration as an area for regional cooperation at the 18th SAARC Summit held in Kathmandu in November 2014 has paved the way for more coordinated and effective interventions at the regional level.

South Asia Core Group on Gender Responsive Labour Migration Management: Though still at an incipient stage, the South Asia Core Group on Gender Responsive Labour Migration Management organized a two-day dialogue in Colombo on 22 March 2013 with support from UN Women, bringing together governments, the private sector, international and civil society organizations from across South Asia and the Gulf region to find solutions to safeguard the rights of women migrant workers. Recommendations that emerged from the group include: (i) better data to document and acknowledge the contributions of women migrant workers; (ii) better information and support services to prepare them for their travel abroad; (iii) stronger collaboration between the governments in South Asia to ensure better working conditions for women migrants; and (iv) integrated response to cases of violence against women during migration through the stages of departure, transit and return.[119]

South Asia Trade Union Council: South Asian Trade Union Council (SARTUC), established in 1988, is a regional federation of national-level trade unions of South Asia and a regional affiliate of the International Trade Union Confederation (ITUC). SARTUC strives to create a common platform for the trade unions of South Asia and create a space for consultation

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[118] 'Govt setting up labor village in Tahachal', Republica, 12 August 2014, available http://www.myrepublica.com/portal/index.php?action=news_details&news_id=80744

[119] 'South Asian Inter-Governmental Group calls for greater efforts to ensure safe migration of women workers', available at https://www.flickr.com/photos/unwomenasiapacific/sets/72157633189790185/

and collaboration among member trade unions. In recent years, SARTUC has been actively engaged in the promotion and protection of migrant workers' rights. Utilizing the ILO Multilateral Framework on Labour Migration and enhanced cooperation between trade unions in both origin and destination countries, SARTUC has paved the way for the adoption of the Kathmandu Declaration, which formed the basis for a greater involvement of trade unions in securing the rights of migrants workers and to forge a long-term partnership between trade unions from origin and destination countries in order to promote the rights of migrant workers.[120]

Concluding thoughts

To summarize, from the perspective of safe migration of both men and women, a review of initiatives underway in the individual countries of South Asia as well as regionally indicates that there are a multitude of institutional structures, government as well as non-government mechanisms, and practices and initiatives in place. Such a framework not only indicates a recognition that issues of gender and safe mobility are multi-dimensional and hence need to be addressed from a multi-sectoral perspective, but it also provides grounds for deepening the existing good practices or introducing new ones.

Given the multitude of institutions working in migration-related affairs in each of the countries discussed, harmonization of policies and practices across various sectors as well as levels (i.e., central, regional, local) become important. The adoption of 'Standard Operating Procedures' as done in India for trafficking-related interventions is a good practice to be considered for migration-related interventions as well. The discussion in this chapter also indicates that there are many stakeholders in each country and the trend of forming associations, federations and/or networks, as in the case of BAIRA in Bangladesh, and NAFEA, GAMCA, FEONA in Nepal, points to the possibility of more targeted and effective interventions.

Taking the migration cycle into consideration, the SaMI project in Nepal is a good initiative that seeks to comprehensively address the entire cycle of migration, including capacity enhancement of concerned government agencies, outreach services, skills training, legal aid, and shelter and counselling to workers and their families in distress. Individually, the MRCs established in Bangladesh and Nepal to provide information to prospective migrant workers are good initiatives that prepare migrant workers for employment overseas. Likewise, the experience of India in terms of organizing mass campaigns as done by BBA and NDWM points to the benefits of movements as opposed to singular institutional efforts.

There are important initiatives that facilitate the migration process and support risk-free movements. Examples include the Probashi Kallyan Bank in Bangladesh that provides loans to migrant workers; labour desks established by the governments of Nepal and Bangladesh at the airports for document verification; the practice of providing labour permits or emigration clearances by BMET in Bangladesh, POE in India, and DoFE in Nepal; and the one-stop shops in the form of labour villages established in Nepal.

Support to migrant workers in destination countries is crucial and the practice of appointing labour attaches by the governments of all three countries is important. Further, the experience of the Embassy of India in Kuwait that provides a variety of services to Indian migrant

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[120]   SARTUC. 'About', available at http://www.sartuc.org/about/; 'Constitution of SARTUC', available at http://www.sartuc.org/documents/documents/

workers is particularly noteworthy. For migrant workers, especially those who have experienced abuses or exploitation at the hands of recruitment agencies or employers, access to effective grievance redress mechanisms is essential, and initiatives such as the welfare funds established in Bangladesh and Nepal, and more importantly, the Foreign Employment Tribunal in Nepal, are examples of regional as well as global good practices.

Bangladesh has been a pioneer in using ICT for a variety of purposes including gathering information about aspiring migrants, networking amongst local and central level organizations and private organizations, and using the Immigrant Management System and the Passport Examination and Imposter Recognition systems. These initiatives have not only reduced fraudulent practices but also enhanced accountability and transparency in the recruitment system. Finally, amongst the three countries discussed at length in this report, India is uniquely positioned not only because of its size but also because it is an important transit and destination country for others in South Asia. As such, the issue of trafficking and other forms of protection for its foreign population is an important concern. The experience of AHTUs, women's desks in police stations, RSBY and EMPHASIS are significant initiatives that the Indian government has undertaken to address gender-specific crimes and provide social protection to its foreign-born population.

Global Good Practices to Facilitate Safe Migration

In addition to benefiting national economies, mobility of provides new opportunities for women. At the same time, it can also make them susceptible to human rights violations and threats against their security. Cognizant of these dynamics, the countries in South Asia have taken a number of steps to support safe migration of both men and women. These initiatives can be important learning for other countries in the region as well as globally. To further enhance the efforts that are underway, this final chapter discusses gender-sensitive migration processes that can serve as good practices for South Asian countries. While these practices are geared towards making migration safe for both males and females, a greater focus is on female migrants because of the different disadvantages they experience in comparison to men at all stages of the migration process. These are primarily due to women's status, the nature of their employment sector, the channels they use for migration, their exclusion from labour markets, and stereotyped gender roles.

At a broad level, good practices can be divided into: (i) enabling factors and (ii) the migration cycle. (see Figure 8).

Figure 8: Framework for Good Practices
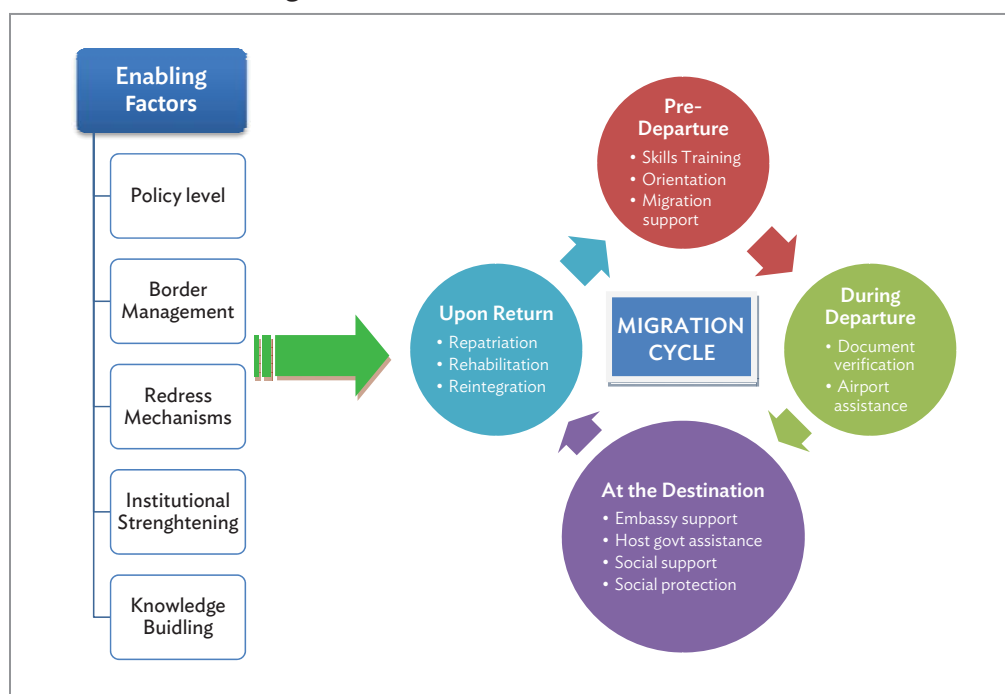
This document is to assist policy-makers and practitioners in South Asia strengthen their ongoing efforts to address issues of gender in relation to migration. The criteria for the

selection of these cases include: (i) rights-based approaches, i.e., they follow international norms for the protection of migrant workers; (ii) innovation, i.e., they provide creative responses and solutions to problems; (iii) positive impact on migration processes, i.e., they increase benefits to migrants while also reducing the costs; (iv) wider application/replication; (v) effectiveness and sustainability; and (vi) cooperation between states agencies and civil society organizations. The policy measures, initiatives and practices presented are purposefully selective in nature; they focus primarily on practices that are relevant in the South Asian context.

Many of these initiatives are relatively new. Research and evaluation are needed to build the evidence base on what really works. With careful assessments, policy makers will be in a better position to make informed decisions regarding what types of programs are best suited for which situations.

Policy Frameworks for Securing the Rights of Migrant Workers

The migration policy framework is key, particularly in light of the need to address the specific needs and concerns of female migrants. Women's exclusion from labour legislation increases their vulnerability to discrimination and exploitation. In the worst cases, this exclusion increases the likelihood of falling victim to human trafficking. In addition to the national legislative framework, the global and cross-border nature of migration means that bilateral, regional and international instruments are also important. In fact, the development of a regional/bilateral migration policy framework is considered to be one of the most effective means of protecting the migrant workforce.

To this effect, the various governments in South Asia have taken a number of national, regional and bilateral measures to promote safe migration. However, there is scope to enhance the gender dimensions of those policies. Lessons from the following cases can be good sources of learning. These examples are particularly relevant to countries such as Nepal, who are in the process of either amending existing mechanisms or initiating new ones. Furthermore, all the countries are in the process of entering into bilateral agreements with destination countries. The SAARC framework, particularly the Kathmandu Declaration of November 2014 which identified migration as one of the main areas for regional cooperation, provides scope for introducing and enacting provisions that draw from the multilateral and regional migration policy frameworks described below.

Multilateral and Regional Migration Policy Framework

Puebla Process (Central and North America): The Puebla Process came out of the Central American and North American Regional Conference on Migration and focuses on a multilateral approach on migration.[121] Its goals and action items include: development of minimum standards for travel documents to limit fraud; combat trafficking by making human smuggling a criminal offence in each country; creation of a liaison mechanism to

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[121]   In addition, they also agreed to promote links with nationals who are abroad, strengthen networks and identify safer and less expensive means of remittance transfers, promote the integration of migrants, particularly in the workplace, and harmonize and coordinate systems of migration information, administration and legislation.

exchange information; awareness-raising amongst potential migrants on the dangers of trafficking; promotion of the full respect for the human rights of migrants regardless of their immigration status; efforts to expedite the return of irregular migrants; and technical cooperation between Puebla member countries to re-train immigration staff and provide them with modern technologies.[122]

ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ASEAN Countries): In January 2007, the Association of South East Asian Nations (ASEAN) adopted a declaration on the promotion and protection of rights of ASEAN workers with the commitment to "promote decent, humane, productive, dignified and remunerative employment for migrant workers." The Declaration places special emphasis on the protection and promotion of the rights of migrant workers in a gender-responsive manner. Accordingly, the receiving countries are obliged to facilitate the payment of wages, decent working and living conditions, access to justice, welfare services, and promotion of fair and appropriate employment protection for workers. Likewise, the sending countries are obligated to ensure access to employment for their citizens as an alternative to migration and facilitate recruitment, preparation for deployment, and protection of migrant workers abroad.[123] While the impacts of the Declaration are not yet known, it is an important first step towards regulating and establishing the institutional framework required to ensure greater protection and respect for migrant workers' rights at the regional level.

ECOWAS Common Approach on Migration (ECOWAS member countries): In 1979, the Economic Community of West African States (ECOWAS) adopted the Protocol on Free Movement of Persons and the Right of Residence and Establishment. In 2006 the member countries developed a common approach to migration by agreeing to the following key actions: (i) Actions to promote free movement within the ECOWAS zone by ensuring the issuance and security of ECOWAS travel documents, ratifying the UN Convention on Protection of the Rights of Migrant Workers and their Families, and harmonizing labour laws of the member countries especially as they relate to professional occupations; establishing a 'Regional Cross-border Cooperation Fund'; and developing a regional territorial planning strategy to develop new areas for growth and development while providing additional resources to disadvantaged zones; (ii) Actions to promote the management of regular migration by pilot experiments at the national and regional levels to seek employment opportunities abroad; facilitate West African students' access to universities and professional institutes abroad and also facilitate their return to their country of origin; and enhance financial transfers and investments by West African Diasporas; (iii) Actions for policy harmonization including setting up information and monitoring system on migration, (vi) Actions for controlling irregular migration and human trafficking, particularly of women and children by organizing information and awareness campaigns, enhancing cooperation between ECOWAS member countries, and complying with international commitments made by the member states; strengthening dialogues among ECOWAS member states, countries of destination and transit countries; strengthening migration management capacities of the member states; and strengthening the protection and assistance system for victims of human trafficking; (v) Actions to protect the rights of migrants, asylum seekers and refugees, including formulating an active policy on integration and putting in place mechanisms for granting rights of residence and establishment for refugees from ECOWAS countries; and (vi) Actions aiming to

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[122]   'The Regional Conference on Migration or Puebla Process' available at http://www.rcmvs.org/Descripcion.htm

[123]   'ASEAN Declaration on Protection and Promotion of the Rights of Migrant Workers in the ASEAN region' available at http://www.asean.org/communities/asean-political-security-community/item/asean-declaration-on-the-protection-and-promotion-of-the-rights-of-migrant-workers-3

address gender dimensions of migration which include including gender-concerns in migration policies, establishing and strengthening support institutions for migrants, and removing illegal trade barriers which hinder entrepreneurial potential of women when they migrate.

Bilateral Instruments

Employment Permit System (EPS) (South Korea): The Employment Permit System (EPS) implemented by the Government of South Korea through MoUs with 15 countries of origin (including Nepal and Bangladesh) allows employers in South Korea who have failed to hire a local workforce to legally employ foreign workers. Through this system, the Korean Government, or its representative public institution, administers the management of the migration process to reduce migration costs and prevent irregularities in the sending process. The procedure for the selection and recruitment of migrant workers is well-defined and outlines the responsibilities of the sending countries, employers in Korea, and the Government of South Korea. In addition, the Ministry of Employment and Labour (MOEL) in South Korea also conducts labour inspection at the workplaces where foreign workers are employed. The Korean government has also created eight Support Centres for Foreign Workers to handle grievances and provide training in Korean language and orientation regarding customs and laws of South Korea. The EPS provides for equality between local (Koreans) and foreign workers on the application and observance of labour-related laws and policies such as the Labour Standards Act, Minimum Wage Act and Industrial Safety and Health Act. In addition to having an employment contract, the workers receive health insurance, industrial accidental compensation and a guaranteed minimum salary. The workers are also permitted to change their workplace due to suspension or closure of business, delayed wage payments and other justifiable reasons (Agunias et al 2011).

The EPS approach is highly regarded by workers and other stakeholders because of the benefits it accords to migrant workers. For instance, in the case of Nepali workers, the EPS system guarantees about 3 to 5-year legal work permits at a minimum labour cost (less than USD 800). The EPS also ensures legal job guarantees, including better opportunities to earn higher salaries (minimum USD 1000 per month), which is almost five times higher than what an average Nepali worker makes in the Gulf countries and Malaysia.[124]

The Special Working Contract for Non-Jordanian Domestic Workers (Jordan): Through the provision of a standard working contract, the Special Working Contract for Non-Jordanian Domestic Workers ensures minimum standards of living and working for migrant domestic workers. By detailing the rights and responsibilities of both the employers and the employees, it seeks to provide better protection for workers. Important provisions in the Special Working Contract include: requirement that every employer, agent, and housemaid sign a contract and abide by its regulations; employer and agency agree to provide the worker with a roundtrip ticket, work and residency permits, and an agreed-upon salary; agreement from the employer to provide the worker with meals, clothing, accommodation and medical care; prohibition on the employer from taking the worker's passport and/or employing the worker anywhere except the employer's home; and rights of the worker to one rest day in a week (Ministry of Labour 2003, 2006).

Initiatives to Make General Bilateral Agreements Gender-Sensitive (Across the globe): Contrary to bilateral instruments that focus entirely on female migrant workers (e.g.,

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[124] R. K.C. 'Korean EPS and Growing Joblessness', http://www.nepalnews.com/archive/2013/others/guestcolumn/jul/guest_columns_09.php 28 August 2013.

the Special Working Contract for Non-Jordanian Domestic Workers), there have been measures to make general bilateral agreements more gender-responsive. Some examples of agreements that have taken women and/or gender into account are:

- The bilateral labour agreement between Spain and Mauritania has an anti-discrimination clause that includes race, sex, sexual orientation, civil status, religion, affiliation, origin and social condition (OSCE 2009).
- Women are considered "equal to men regarding employment" in the agreements between private Canadian entities and Colombia, Honduras and Mauritius.[125]
- The Additional Protocol of the Migration Agreement between Argentina and Bolivia extends all rights (to a temporary residence permit) to spouses, children and parents of the principal applicant.[126]
- The agreements between Italy and Albania as well as Italy and Tunisia do not allow for family reunification unless the principal migrant has a one-year residence permit; if so, however, family members also have the right to work in Italy.[127]

National Policy Framework

Migrant Workers and Overseas Filipinos Act of 1995 (The Philippines): In 1995 the Government of the Philippines enacted Republic Act 8042 known as the Migrant Workers and Overseas Filipino Act. This pioneering legislation defines the goals of the State in relation to overseas employment and the protection of migrant workers' rights at home as well as overseas. In particular, the Act introduced the policy of "selective deployment" that requires the State to deploy Filipino workers only to countries where the rights of Filipino workers are protected. The Government later introduced an amendment to the Act, under RA 10022, mandating the Department of Foreign Affairs to attest the suitability of sending workers to a specific country and to issue a certification.

The law has been widely praised for its recognition of migrant workers, especially those who are "in distress" and for its attempt to lay down basic policies and standards to safeguard migrant workers' rights. It is one of only a few migration laws that explicitly recognizes the equal rights of women and men (Section 2 (d)). Some of the key provisions of the Act include: evaluation of the levels of protection of overseas Filipino workers (OFWs) in receiving countries; establishment of criteria for host countries to guarantee protection through a certification process; provision that foreign employers and recruiting agencies are responsible for the repatriation of OFWs; penalties for offences such as illegal recruitment, loans by agencies, and sending of minors abroad; free access to skills and livelihood programmes; promotion of the use of the legal assistance fund to settle cases against abusive employers; and compulsory medical and life insurance for agency-hired workers (Asis 2010, Gabito 2010).

The Philippines also has a provision to appoint a total of two migrant workers and overseas Filipino representatives, at least one of whom has to be a woman, to the House of

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[125] Agreement between private Canadian entities in collaboration with the IOM and Colombia, Honduras and Mauritius.

[126] See 'Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements,' follow-up activity to Roundtable 1.2 of the first Global Forum on Migration and Development (GFMD), available at http://www.unhcr.org/50aa5cfc9.pdf

[127]   See 'Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements,' available at http://www.unhcr.org/50aa5cfc9.pdf

Representatives. It also requires the representation of at least one female migrant worker in government agencies concerned with migrant workers such as the Boards of the Philippines Overseas Employment Administration and the Overseas Workers Welfare Association. This has helped increase sensitivity to the concerns of women migrant workers which is normally lacking in male-dominated institutions (UNIFEM 2003).

Policy Measures for Female Migrant Workers (Indonesia): Indonesia has introduced measures to support female migrant workers. These include: (i) Regulation No. 4/2008 requires a review of regulations in destination countries that have not signed a MoU with Indonesia; (ii) the Domestic Worker Roadmap (2017) encourages migrant-receiving countries to recognize domestic workers as formal workers and grant them requisite rights and protections under the law; (iii) a policy to lower recruitment fees for migrant domestic workers (from an average cost of USD 3,000 to between USD 800-1,600) and providing them with the option of taking back loans to pay the fees; (iv) one-stop shops for migrant workers that provide all relevant services 'under one roof' at the embarkation and disembarkation terminals; (v) decentralization of the labour permit issuance system to provincial level; and (vi) a national worker biometric identification card system that distributes cards to migrant workers. In addition, the Indonesia government is also seeking to introduce a "live-out system" for Indonesian domestic workers which would allow them to live in dormitories rather than with their employers (UN Women 2013b).

State Migration Service (Republic of Azerbaijan): Following the approval of the State Migration Program of the Republic of Azerbaijan (2006-2008) the State Migration Service was established and its Regulation was approved by the Order of the President dated March 19, 2007. The State Migration Service is a centralized government agency that coordinates with central, local executive and local self-governmental bodies, as well as international organizations and NGOs on all matters relating to migration. In particular, it aims to: (i) analyze, forecast migration processes and to organize monitoring; (ii) create a migration database system; (iii) enhance international cooperation in migration-related issues; (iv) grant permissions for temporary and permanent residence to foreigners and stateless persons as well as determine citizenship and refugee status; and (v) manage issues relating to deportation of refugees, illegal migrants and other foreigners. These activities are implemented by the State Migration Service together with the Ministries of Internal Affairs, National Security, Labor and Social Protection of People and State Border Service.[128]

Redress Mechanisms

Migrant workers generally experience various kinds of difficulties, including labour exploitation, sexual and physical abuse, deceptive and fraudulent recruitment practices, and debt bondage and so on, which in many cases have also resulted in psychological trauma, death and permanent disabilities. Women in particular are more vulnerable to these risks due to their legal status as irregular migrants and their sector of work (i.e., domestic work that is often beyond the purview of labour laws). Given inadequate regulation and oversight by governments, migrant workers (especially women) often depend on recruitment agencies to resolve disputes and provide assistance, when in fact, it is often these recruitment agencies that would have violated their rights in the first place. For instance the Bangladesh *Trafficking in Persons Report 2010* noted that when Bangladeshi migrant workers have complaints regarding violations of their labour rights or the recruitment process, they resort to arbitra-

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[128]   http://www.migration.gov.az/index.php?section=000&subsection=058&lang=en

tion by BAIRA, which neither provides adequate financial compensation nor addresses the illegal activities of recruitment agents who are its members.

The issue of instituting an effective redress mechanism is emphasized in the CEDAW General Recommendation 26. This requires governments to "put in place easily accessible dispute resolution mechanisms, protecting both documented and undocumented women migrant workers from discrimination or sex-based exploitation and abuse" and "ensure that women migrant workers have access to legal assistance and to the courts and regulatory systems charged with enforcing labour and employment laws, including through free legal aid."

Nepal's Foreign Employment Tribunal was established to provide redress to migrant workers. Despite some implementation challenges, it is a good practice. In addition, the Philippines, Sri Lanka and Egypt have strong regulatory frameworks that provide redress for migrant workers. Migrant Workers' welfare funds are another mechanism that the governments of Nepal and Bangladesh have established which are regarded as good practices, as they support migrant workers' access to justice and redress. However, lessons from the Philippines indicate that these funds can be made more effective by expanding their scope to include facilities such as insurance and health care, provisions to support migrant workers and their families, and reintegration programmes.

Specialized Organization to Provide Redress to Workers (Philippines): While the Philippines Overseas Employment Administration (POEA) has oversight of the labour emigration process, the National Labour Relations Commission (NLRC), a quasi-judicial body connected institutionally to the Department of Labour and Employment, is responsible for adjudicating compensation claims cases, including hearing and resolving disputes that involve employer–employee and determining compensation in cases of breach of contract. Labour arbiters are stationed throughout the country to hear claims and verify them. As such, the NLRC provides an accessible and impartial mechanism to address migrant workers' grievances that is not only affordable but also quick and efficient, avoiding the formality of court adjudication.

Similarly, in destination countries the regulation of the recruitment of Filipino workers is administered by the Philippines Overseas Labour Offices (POLOs), which are part of the Department of Labour and Employment and are located in destination country embassies. The POLOs assist workers with filing complaints against both the employer and the private employment agency, and works with the NLRC to help returning migrants seek redress on return to the Philippines. Notably, under the principle of joint and solidary liability, the private agencies in the Philippines are required to sign a power of attorney agreement, which holds them liable for contract violations by overseas employers (Mughal and Padilla, 2005). This innovative model of redress mechanism is important for developing countries that are seeking to establish rights-based approach for grievance mechanisms in accordance with international laws and standards.

Regulatory Frameworks for Providing Redress (Sri Lanka and Egypt): In Sri Lanka, the Bureau of Foreign Employment (BOFE) is responsible for regulating recruitment agencies. In particular, private employment agencies are required to: obtain a license for operation; deposit a cash bond with the BOFE and provide a bank guarantee; and control the fees and expenses charged to migrant workers; and declare how much they intend to collect from the migrant worker for each job opening. The BOFE checks the description of the position and determines an approved rate taking into account the salary offered as well as the costs of travel, medical exams and administrative procedures. The approved rate

must be published as part of the vacancy advertisement, allowing migrant workers to make an informed decision regarding the requisite expenses before applying. This process has reportedly led to a dramatic reduction in the costs for recruitment charged to workers. If an agency is found to have breached the contract with workers, the BOFE can withdraw the bond and/or cancel or suspend the recruiting license. To facilitate this process, a special division within the BOFE makes regular monitoring visits to private employment agencies to ensure compliance with national legislation (ILO, 2011b).

The Labour Code of Egypt (2003) provides an additional example of a good practice for managing the recruitment of workers for foreign employment. The Ministry of Manpower and Immigration and private employment agencies are mainly responsible for matching workers wanting to obtain overseas employment with companies seeking migrant workers. The regulatory framework for private recruitment agencies is provided for by the Labour Code, which is enforced by the Department of Labour Migration. More specifically, the Department is responsible for reviewing all offers of employment and certifying them for compliance with the regulations of the Labour Code. In cases where there is a breach of the Labour Code, the Ministry of Manpower and Immigration has the power to suspend or discontinue the operations of these agencies.

Migrant Workers' Welfare Fund (Philippines, Nepal and Bangladesh): The Migrant Workers' Welfare Fund is an arrangement adopted by the Philippines, Nepal and Bangladesh. Of the three countries that have been managing a fund for migrant workers, the experience of the Philippines is perhaps the most successful. The Overseas Workers Welfare Administration (OWWA) in the Philippines manages a single trust fund that pools the membership contributions of Filipino migrants or their overseas employers and various other resources. Those who contribute to the fund are eligible for the following services: insurance and health care (life insurance; disability and funeral coverage); education and training programmes (access to scholarships; financial assistance for specific programmes); social services and family welfare (range of services to facilitate immediate repatriation such as airport assistance, domestic transport, temporary shelter; reintegration program; pre-departure loans and family assistance loans); and reintegration program (economic preparation programmes for livelihood projects or community-based, income-generating projects, skills training, credit facilitation; psycho-social counselling; and capacity-building training).[129]

Hotlines for Migrant Workers (Jordan; Hong Kong, China; Bahrain, and Singapore): Jordan's Ministry of Social Welfare and Family Protection established a hotline to receive calls from migrant domestic workers. Similarly, Hong Kong, China's Department of Labour and the Government of Singapore have set up similar hotlines where migrant domestic workers can place a call to obtain information about their rights and receive advice on related matters, including procedures for changing employers. In Singapore the Ministry of Manpower offers dispute resolution services for migrant as well as non-migrant workers and the Foreign Workers Unit of the Ministry provides free advisory and mediation services to overseas workers. In Bahrain, in addition to a complaint hotline for migrant workers, the government has established centres within the Supreme Council of Women with offices set up in all governorates to receive calls and act on complaints made by women. To facilitate the process, the government also appoints lawyers to work on behalf of migrant domestic workers when disputes remain unresolved and are required to be taken to courts. The Ministry of Labour is also responsible for reviewing the records of the complaints or

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[129]   See 'Programs & Services' available at http://owwa.gov.ph/?q=node/23/#social_benefits; See also, Agunias and Ruiz 2007.

disputes filed against potential employers prior to approving their applications to employ-ment migrant domestic workers (UN Women 2013b).

Border Management

South Asia as a region is marked by significant political sensitivities, especially in matters relating to border control. At the same time, cross-border movements, often irregular, are a reality. There are already efforts underway in the region to curb illegal movements across borders, including trafficking. The following cases of border management practices have been introduced in countries with historically tenuous border relationships. Important lessons that can be drawn from these practices include: providing spaces in border areas to organize awareness campaigns, bringing inter-governmental agencies working in areas of cross-border issues under a single framework, strengthening border management through mobile units, and using ICT to aid mutual assistance between countries on matters relating to cross-border crimes, including human trafficking.

Activity Centres for Women in Yunnan Province (People's Republic of China): This project aims to assist female migrants and potential migrants by raising awareness about the dangers of trafficking and providing information on safe migration methods and legal rights. Community centres across villages of Yunnan province provide spaces where migrants and potential migrants can share experiences, and exchange and gather information on employ-ment laws, legal aid and skills training. Given that the majority of migrating girls and women were using irregular channels, the establishment of Young Women Migrants' City Homes in Kunming city and the Women's Homes in the provincial villages was seen as a solution to the lack of information and access to support or protection these women have. These centres have been used by local communities to provide information on migration, employ-ment and income-generating opportunities.130

Single border agency (USA): In the aftermath of the September 11th attacks in the United States, the majority of border functions in the country were brought under the aegis of the Department of Homeland Security (DHS). Experience from the DHS so far indicates that having a single border agency has produced tangible results. Since 2008, crime rates have fallen in the Southwest border areas and there have been increased apprehension of illicit activities such as drug trafficking and illegal border crossings. In the context of South Asia, a single agency overseeing all matters relating to border management, customs, immigration, etc., is bound to be controversial since inter-agency coordination has been limited. But the experience of the US does point to the need to at least coordinate efforts and streamline operations in a more systematic manner.

Border Management and Gender Toolkit (Global): The Training Resources on Border Management and Gender developed by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) is part of its ongoing work on security sector reform (SSR). It recogniz-es the women, men, boys and girls have different security and justice needs and that it is desir-able to increase the participation of men and women and men in security decision-making to ensure operational effectiveness of the security forces. The Toolkit is meant for both policy-makers and practitioners and lays out a practical introduction to gender and SSR issues, and

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130 "Activity Centres for Women in Yunan Province, [People's Republic of] China" available at http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=76. (accessed 30 May 2014).

consists of a series of practical training exercises that help to integrate gender dimensions in training on SSR generally and on border management specifically (Mackay 2008).[131]
Border Management System on the Kenya-Somalia Border:[132] Along the Kenya-Somalia Border where problems relating to regional trans-border crime and the irregular entry and trafficking of persons from conflict-affected Somalia and the Horn of Africa have been on the increase, the Government of Kenya, with support from IOM has introduced the concept of Mobile Border Processing Units (MBPU). At present, two patrolling vehicles with maximum off-road capabilities have been serving as MBPUs. These vehicles, a single heavy duty 6/4x 4 trucks with a mobile office, also include a forensic laboratory, a communication centre, radio communication systems (HF/VHF), and portable forensic/IT/power supply equipment. These vehicles have been used to identify, apprehend and transfer irregular migrants to the MBPU stationed at a temporarily fixed location.

Border Management System at the Russo-Finnish Border:[133] Following the collapse of the Soviet Union in 1991, the Finnish and Russian authorities began a new chapter of inter-governmental cooperation. The Border Regime Agreement signed between Finland and the USSR in 1960 and revised in 1997 (with Russia) was used as a basis for developing an agreement on border management system between the two countries. Since then, "border delegates" of the two countries have been organizing regular formal and informal meeting for information/experience sharing vis-à-vis border situation, establishing crossing points at the border, and discussing methods to tackle illegal border crossing. The results from this initiative indicate a decline in the number of illegal border crossings from 48 in 2006 to 13 in 2011.

Border Management System at the Western Borders of Tanzania:[134] Recognizing that border crossings in Tanzania are often ill-equipped and operate with little modern infra-structure, the government (with support from IOM) initiated a project in 2003 to upgrade the capacity of border-posts on the Western frontiers of Tanzania. Since then, the Government of Tanzania has been keeping digital records of individuals crossing the border via the personal identification and registration system (PIRS), and sharing the same with concerned government agencies. In addition to processing information about individuals crossing the border, the upgraded border-posts have been linked-up with the "immigration headquarters in order to allow data upload on the Immigration National Data Base."[135]

Institutional Strengthening and Capacity Building

An issue that is often raised in the context of South Asia is the difficulties implementing policies to effectively management safe migration. Institutions often lack capacity and have difficulties ensuring full compliance with global and national norms and standards. The following example from the Greater Mekong Region to strengthen institutions from the national to local levels, can serve as an important learning for countries in South Asia that

131   http://www.dcaf.ch/Publications/Border-Management-and-Gender-Practice-Note-6

132   http://publications.iom.int/bookstore/free/IBM%20newsletter%20july2011_28jun_Final.pdf

133   Institute of Stability and Development, Ex Borea Lux? Learning from the Finnish and Norwegian Experience of Cross-Border Cooperation with Eastern Neighbours (Prague: ISD, 2012).

134   http://publications.iom.int/bookstore/free/IBM%20newsletter%20july2011_28jun_Final.pdf

135   https://www.iom.int/files/live/sites/iom/files/Country/docs/CBBM-Newsletter-new-JUNE-2013-final.pdf

are struggling with issues of capacity constraints, both in terms of human as well as financial resources.

Institutional Strengthening in the Mekong Region to Combat Trafficking in Children and Women (Greater Mekong Region): This initiative supported by the ILO seeks to contribute to the elimination of trafficking of children and women in the Greater Mekong Sub-region through the development, implementation and monitoring of effective and integrated sub-regional and national strategies and actions. More specifically, the project focuses on capacity-building activities, project management training using participatory approaches; data collection and participatory monitoring and documentation of learning; and assistance in development of alternative livelihood strategies, skills training and education. The project has facilitated the identification of new economic opportunities, skills training, improved access to credits and markets, and supported mobilization of workers and employers' organizations. The project devised special mechanisms to consider individuals without citizenship, especially women, children and ethnic minorities. Because of the flexibility of the project, it was adapted in various other countries including Laos PDR and the People's Republic of China.[136]

Knowledge Building, Awareness Raising, and Public Campaigns

Mechanisms to promote effective dialogue between policy-makers and practitioners, support partnerships and cooperation between countries, and encourage discussions among governments and other stakeholders such as international organizations, experts, civil society organizations, migrant associations are important ways to address the gender dimensions of safe migration. Countries in South Asia are struggling with the most effective ways to build knowledge to identify and address policy concerns, implementation gaps and foster greater policy coherence at the national, regional and international levels on issues of safe migration. The examples discussed below point to ways in which different institutions and organizations have conducted research and created knowledge on pressing issues relating to gender and migration and disseminated them in a gender-sensitive manner. The most effective practices on awareness raising are those that have used the media and/or audio-visuals including soap operas and films. In implementing advocacy and lobbying efforts, there are major benefits in working together with a wide range of stakeholders including the private sector.

Knowledge-Building Initiatives

Platform for International Cooperation on Undocumented Migrations (PICUM) (Belgium, the Netherlands and Germany): PICUM is an NGO established by several organizations from Belgium, the Netherlands and Germany to promote respect for the human rights of undocumented migrants in Europe. The PICUM report "Strategies to End Double Violence against Undocumented Women: Protecting Rights and Ensuring Justice" seeks to reaffirm undocumented women's rights and identify gaps that exist in current European laws, policies and practices. Follow-up to the report included a knowledge base and recom-

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[136] 'The Mekong Sub-regional Project to Combat Trafficking in Children and Women (ILO-TICW), International Labour Office', available at http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=59 (accessed 30 May 2014).

mended steps for projects that seek to protect rights and ensure justice for women regardless of their immigration status. Other achievements of PICUM include: a web-based documentary, *Undocumentary,* that recounts the daily lives of undocumented migrants living in Europe, and a set of ethical guidelines for migrant workers published as *Book of Solidarity: Providing Assistance to Undocumented Migrants* (Volumes I-III).[137]

Coordination of Action Research on AIDs and Mobility (CARAM Asia): Established in 1997, the main aim of CARAM Asia is to promote and protect migrants' health throughout the migration process. This regional network uses participatory action research to ensure inclusion of migrant perspectives on STI-related vulnerabilities, health issues and possible policy prescriptions. Guided by the four pillars of participatory action research, national and regional advocacy, coalition building, and capacity building for community-based organizations and NGOs working with migrant communities, this practice also has a Special Consultative status with the Economic and Social Council of the United Nations (ECOSOC). The activities of CARAM Asia are focused on often-overlooked issues such as occupational safety, susceptibility to health hazards during the migration process, contraction of diseases such as STI (including HIV), and the difficulty migrant workers face in accessing healthcare.[138]

Not her real Name - A Media Handbook on Reporting Trafficking in Persons (Global): Published by the 'HIV and Human Development Resource Network' (HDRN) for UNDP in 2006, this handbook aims to promote good media practices and favourable coverage of the many issues surrounding trafficking and STIs, including HIV. The handbook is divided into two parts: a Media Guide and a Media Manual. The Media Guide compiles essential background information required for sensitized reporting on trafficking in persons while the Media Manual discusses the role of the media in the context of trafficking.[139]

Awareness-Raising Initiatives

"Taste of Life" Soap Opera (BBC in Cambodia): In 2005, the BBC World Service Trust in cooperation with Cambodian broadcasters produced the "Taste of Life" soap opera as part of a multimedia anti-trafficking package that included TV shows, radio announcements, radio phone-in programmes, and print material reaching more than 4 million households. In addition, a feature film, *In the Dark*, was produced. The BBC Trust created four audience panels of Cambodians who watched the series and were called to answer questions regarding selected episodes. Each panel was invited to watch and give feedback on six episodes, followed by face-to-face interviews and a questionnaire. The feedback and questionnaires showed how viewers were more able to link migration and trafficking and were more aware of the ways to avoid falling into the traps of traffickers.[140]

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[137] 'Platform for International Cooperation on Undocumented Migrants', available at http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=16 (accessed 30 May 2014).

[138] '**Coordination of Action Research on AIDs and Mobility (CARAM Asia)**', available at http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=53 (accessed 30 May 2014).

[139] UNDP-TAHA, HDRN. 2006. 'Not her real name... Reporting Trafficking in Persons: A Media Handbook.' New Delhi: HDRN.

[140] 'Taste of Life: How a soap opera brings trafficking awareness home' available at http://www.childlabour dialogues.org/bitcache/a7ea74414889f663eadc9861c83612a239137417?vid=391470&disposition =attachment&op=download (accessed 30 May 2014). Also see 'Mass audience soap operas in Cambodia' available at http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_099867.pdf (accessed 30 May 2014).

Migrant World Film Festival (South Korea): Through the use of media and film training, the Migrant World Film Festival seeks to give voice to migrants and promote their social integration through increased understanding between migrants and the local population. Primarily based in South Korea, the Film Festival provides a platform for sharing of international and domestic films on migrant issues and perspectives, and a space to critically evaluate and participate on national debates relating to migration policies and systems. The target beneficiaries of this Festival are the general Korean public, migrants and their families in South Korea, and migrant women.[141]

MTV'S End Exploitation and Trafficking Campaign (Global): The MTV End Exploitation and Trafficking Campaign (EXIT) aims to increase awareness on human trafficking through television programmes, online content, live events, and partnerships with anti-trafficking organizations. The MTV EXIT website contains celebrity-presented documentaries as well as short films and promos, all of which can be watched and downloaded. The website also contains information on the scope of human trafficking in individual countries. Website viewers are invited to take action by spreading the information contained on the website through screenings of videos and programmes, street performances, and flash mobs to bring attention to this important issue.[142]

CNN Freedom Project (Global): The CNN Freedom Project aims at fighting modern-day slavery by providing a spotlight on the horrors of the crime, amplifying the voices of victims, highlighting success stories, and helping identify the criminal enterprises that trade in human life. The CNN Freedom Project's blog contains up-to-date news and information about the facts and figures on the human trafficking industry, the plight of victims, profiles of traffickers, and possible solutions to the problem. The "How to Help" section of the website assists users donate to charities, report cases of human trafficking or slavery, and incorporate human trafficking in school curricula. Likewise, the iReport section allows viewers to submit stories, offer opinions, and join online discussions on the topic of modern-day slavery.[143]

Campaigns and Advocacy

Manpower Inc. Company (Global): Manpower Inc. Company has devoted a prominent place to end human trafficking as a campaign in the corporate social responsibility chapter of its website. It is the first company to sign the Athens Ethical Principles, which declares a "zero tolerance" policy for working with any entity which benefits in any way from human trafficking. They have acted as a lead company aiming to have 1,000 of the world's leading corporations sign the principles and declare they too have zero tolerance for the inhuman abuse. The website also has a link to End Human Trafficking Now! (SMWIPM Initiative 2014).

"Girls Be Ambitious" Initiative (Cambodia): Japan Relief for Cambodia (JRfC) and American Assistance for Cambodia (AAfC) launched the "Girls Be Ambitious" programme to prevent the trafficking of Cambodian girls and women for sexual and labour exploitation. The programme provides incentives for girls from indigent homes to stay in school and receive additional vocational training by focusing on employment alternatives, income

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[141] See 'Migrant World Film Festival' available at http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang =en&p_practice_id=95

[142] See http://mtvexit.org/about/ (accessed 30 May 2014).

[143] See http://thecnnfreedomproject.blogs.cnn.com.

generation, and social and political empowerment. The incentive for girls and their families to attend school is in the form of financial assistance of USD 10 a month for girls with a "perfect" attendance rate. At the start of the programme, the participating families are required to sign an agreement to refund the money if the participant drops out within six months of the programme's launch (World Assistance for Cambodia 2014).

The Chiang Mai Coordination Centre for the Protection of Children's and Women's Rights (Thailand): In 2004, the Chiang Mai Coordination Centre for the Protection of Children's and Women's Rights started a project to cooperate with reputable employers and entrepreneurs in the Chiang Mai region of Thailand to combat human trafficking. The Centre first identified good employers (i.e., those who complied with the labour laws) and worked closely with these business owners to develop appropriate media for campaigning and raising awareness among other employers about trafficking in persons and human rights violations. The Centre initiated a seminar for business owners to educate them about trafficking in persons, labour exploitation, labour laws, children's rights, and human rights. A protection network was instituted in Chiang Mai City to serve as a spy catcher. Upon learning about suspicious behaviour, employers can contact a multidisciplinary team (police, social workers, medical professionals, NGOs, etc.) and discuss ways of addressing the situation. Other interventions supported by this initiative include: interview room with video equipment for child-friendly police/social worker interviews; support to a surveillance operation by anti-TIP (trafficking in persons) task force, social worker outreach to victims, establishment of 24-hour trafficking help lines and duty officers, and rewards for information leading to the rescue of TIP victims; support for care and assistance for TIP victims in Chiang Mai, including legal and interpretation services for non-Thai TIP victims. This model, well-known as the "Chiang Mai Model" of multidisciplinary anti-trafficking teams, has been highly acclaimed and replicated in other places like Vientiane, Laos (Chemonics International 2009).

Free2work (Global): The website *http://www.free2work.org*, created and maintained by Not For Sale, a San Francisco-based NGO, offers consumers information on "the story behind the bar code", teaching them whether the products they buy are connected to forced or child labour. At free2work.org, consumers can search more than 10,000 products and 400 brands and can learn about labour standards and corporate practices. Free2Work grades companies on a scale of A to F according to supply chain transparencies, codes of conduct, responses to child and forced labour, and overall efforts to empower workers such as certification programmes to protect worker rights. The ranking list of companies is also made available on a smart phone application for more convenient use.

Slavery Map (Global): The website *http://www.slaverymap.org*, another Not For Sale project, records and displays instances of human trafficking across the globe. It provides a world map where Internet users can research or report instances of slavery or human trafficking around the world. The website specifically invites users to officially report cases through the United States national trafficking hotline number so that the proper law enforcement and service providers can be alerted. People are also encouraged to provide the website with information regarding suspected human trafficking cases that have occurred throughout the world by creating a user account and reporting an incident.

Ensuring Safe Mobility during Entire Migration Cycle

A comprehensive approach to ensuring safe migration addresses the key stages of the migration cycle, including pre-departure preparation, assistance during departure, support at the destination, and reintegration and rehabilitation assistance upon return. This section includes good practices for each of these stages of the migration cycle.

Pre-Departure Preparation

In terms of pre-departure preparation, the countries in South Asia have initiated programs that focus on improving the skills of migrant workers and creating awareness among migrant workers on safe migration. However, issues relating to continued abuses and exploitation of workers, particularly women, remain a concern. Migrant women workers are at a constant risk of being exploited by unethical recruitment agents/agencies that not only charge excessive recruitment fees but also provide fraudulent visas and travel documents, and send workers without legitimate job offers or contracts (UN Women 2013b).

As the respective governments seek to enhance the effectiveness of pre-departure preparation programs, both in terms of skills development and safe migration, lessons from other countries provide important lessons. In particular, global good practices point to the need to coordinate and collaborate with different stakeholders including local government authorities, trade unions, civil society organizations, women's groups and other community-based organizations; strengthening Migrant Resource Centres with different facilities including hotlines and drop-in centres; expanding the scope of the training materials to include information on legal issues, health and safety measures, culture of destination countries; delivering pre-departure programs pre-employment, pre-departure and post-arrival; targeting migrant workers' families, local government authorities, grassroots organizations, and other key stakeholders for pre-departure preparation; and linking skills training with employment overseas, can have satisfactory results.

Migrant Workers' Resource Centres (MRCs) (Across the globe): Migrant Workers' Resource Centres (MRCs) have been established in many parts of the world, including Nepal and Bangladesh. In general, the MRCs work in collaboration with the government's labour offices, trade unions and civil society in order to disseminate information to potential migrants on safe migration, the rights of the workers and legal assistance. In some countries, to fill the knowledge gap help-desks, hotlines and drop-in centres have been established to supplement the MRCs and provide assistance to migrants at origin, in transit and at their destination. In Sri Lanka, the MRCs also conduct entrepreneurial training to encourage self-employment in the country itself as opposed to seeking employment overseas.

In countries of origin in the Greater Mekong Region (GMR), the MRCs provide services like outreach programmes on safe migration, training programmes for local authorities on relevant laws, supporting migrant workers as they file complaints against recruitment agents and/or employers, and locating family members. In destination countries of the GMR, the MRCs serve as an accessible bridge to the authorities where staff members provide legal assistance or negotiate with the employers or authorities on behalf of the workers. Some migrants are also trained as paralegals or trained to organize migrant associations. Operations Manuals for MRCs have been developed which include sections such as frequently

asked questions (FAQs). The partnership and networking with local authorities, trade unions and CSOs have facilitated better connectivity between the MRCs and communities in the GMR. In the first two and a half years of the initiative, thousands of individuals from Cambodia, Lao PDR and Vietnam received counselling or training on safe migration and rights at work. The majority of these individuals were assisted by or referred through the MRCs.[144]

Contractual Agreements Relating to Overseas Employment (Lao People's Democratic Republic, Cambodia, Indonesia): The Sub-decree 190 in Cambodia requires that contracts between recruitment agencies and workers include specific working conditions, job status, types of work to be done, and benefits to be provided to the workers. It also requires contracts to be written in the Khmer language. As per the decree, the Ministry of Labour is involved in carrying out periodic inspections of recruitment agents which has resulted in owners, staff members, and managers of some recruitment agencies being convicted for trafficking-related offenses (UN Women 2013b).

In Lao People's Democratic Republic contracts between Laotian workers, recruitment agencies and employers are a pre-requisite for labour migration. Likewise, Indonesia's Regulation No. 4/2008 requires that employment contracts contain provisions for protecting labour migrants. The Indonesian government has also introduced a policy that requires employment agencies to specify in the contract that domestic workers will not be engaged in hazardous practices such as cleaning outside of windows and hanging laundry from high rise buildings. Provisions contained in Law No. 39/2004 require that recruitment agencies furnish a draft placement agreement, a draft employment contract, and a worker demand letter from employers, before they are issued a permit to carry out foreign employment-related operations.

Travel Smart-Work Smart (Greater Mekong Region): In 2006 an awareness campaign produced four versions of a guidebook entitled "Travel Smart-Work Smart." The purpose of the guidebook is to inform potential migrants on the dangers of ill-prepared migration. The project has proved to be successful in addressing the problem of limited awareness amongst potential migrant workers, especially by working at the grassroots level while simultaneously involving higher levels of government. Other countries have replicated the methods and tools developed in the GMR. The initiative also facilitated the training of 75 journalists on the linkages between migration and human trafficking (ILO 2008).

Pre-departure Orientation Programmes (Indonesia, Philippines, Sri Lanka, Nepal and Bhutan): Pre-departure training programmes are organized in Indonesia, Philippines, Sri Lanka, Nepal, Bhutan and others. This training provides migration-related information to workers prior to their departure. These programs provide basic information to workers in order to facilitate their transition to the destination countries. Different countries have implemented pre-departure orientation programs in different ways. For instance, the Philippines has developed a multi-stakeholder pre-departure orientation programme, with the government (OWWA and POEA). 260 accredited private sector and NGO providers act as implementers. In the case of Indonesia, the training is provided by the National Board for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) through 200 instructors. In the case of Nepal, the private sector (i.e., licensed pre-departure orientation training providers) is responsible for imparting the training. The content of the training is different in each case but generally they provide migrant workers with informa-tion relating to laws of the country of origin, culture of the destination countries, laws and

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144   'Main Output,' available at http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=84

regulations in the destination countries, health-related issues, etc. In addition to the pre-departure orientation programs, the Philippines also organizes pre-employment seminars that precede the pre-departure orientation training and a post-arrival orientation seminar which is given to migrant workers on arrival in the destination countries (Asis and Agunias 2013).

Pre-industry Life Skills Programme (Cambodia): In the context of large number of girls and young women migrating to cities but without any knowledge and skills to adjust to their new environment, World Education with support from the ILO developed a Life Skills Programme to reduce their vulnerability to exploitation and abuse. The programme entailed designing a training curriculum focused on five core elements – safe migration, financial literacy, nutrition and health, personal hygiene, and prenatal care. A group of young women leaders (Women's Leader Groups) was formed and selected to attend the Training of Trainer (TOT) workshops and receive on-going technical and monitoring support. These women leaders in turn facilitated a ten-week course to young women in their communities to impart the same skills and knowledge.[145] As per ILO's records, Women's Leader Groups have organized 32 classes in 29 villages, thus reducing the vulnerability of 576 youth participants who have completed the course.[146]

Legal Education (Kazakhstan): Sana Sezim, a Kazakh NGO that advocates for the legal rights of women and children especially with regard to labour migration, initiated the Legal Education Project to help vulnerable migrants avoid exploitative situations. The initiative involved raising awareness through education activities; conducting legal training and providing legal assistance to combat the problem of trafficking and providing confidential telephone consultations to victims and potential victims. The experience from the programme suggests that legal education is an effective tool for preventing human trafficking (The Protection Project 2013).

Support during Departure

As mentioned in Chapter 4, to support migrant workers during departure, labour or welfare desks have been established at the international airports and other places in a number of countries, including in Nepal, India and Bangladesh. The case of using Smart Cards to facilitate departure in Bangladesh is an important initiative and a global good practice. However, the existing initiatives in South Asia are focused primarily on international migrants who are en route to their destination countries. Support services to internal migrants and migrant returnees are not as significant. In this regard, the experiences of the 'Spring Rain Campaign' implemented in the People's Republic of China and the 'Airport-based Migrant Worker Service Posts' in the Philippines can help South Asian countries that are seeking to improve in this area.

Welfare Desks/Labour Desks at the Departure and Arrival Lounges (Across the globe): Labour desks are generally responsible for examining migrant workers' documents, including, labour permits, visa stamps, insurance papers, contracts, receipt of payment of fees, etc. In some countries, for example Indonesia, the "Airport-based Migrant Worker Service Posts" also screen and collect information on returning migrant workers, provide basic health care to migrant workers reporting ailments, provide referral services to those in need of legal, physical and mental rehabilitation assistance, and also facilitate onward transport services (Agunias et al 2011).

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[145] See 'World Education - Pre-industry Life Skills Program' available at http://www.apyouthnet.ilo.org/network/world-education-pre-industry-life-skills-program

[146] See 'Pre-industry Life Skills Program' available at http://www.worlded.org/WEIInternet/international/project/display.cfm?ctid=na&cid=na&tid=40&id=7921

Spring Rain Campaign (People's Republic of China): Recognizing that transit hubs such as bus and train stations can be dangerous for unaccompanied girls but can also provide an opportunity to widely disseminate information on safe migration, the International Programme on the Elimination of Child Labour and the Project to Prevent Trafficking in Girls and Young Women for Labour Exploitation launched the Spring Rain Campaign. Focusing on bus and train stations approximately, 1 million brochures providing young female migrants with basic information on transport, accommodation and employment agencies to link them to legitimate work opportunities were distributed. Following the Spring Rain Campaign, more than 60,000 girls visited safe recruitment agencies, and a third of them found employment. Local governments in some cities adopted the campaign messages and materials and incorporated them into their work. Campaigns continue at transportation hubs in the People's Republic of China (ILO 2010).

Management of Migrant Workers in Destination

Assistance to migrant workers in destination countries is key to ensuring the rights and welfare of migrant workers, including women in destination countries. Because their work is primarily limited to the private spheres of domestic work (and hence, excluded from labour laws), female migrant workers experience various abuses and rights violations in destination countries such as non-payment or under-payment of wages, food deprivation, long working hours without any rest, no provisions for leave, changes in terms and conditions of employment, denial of access to medical care, confiscation of passports, restrictions on movement, and physical and/or sexual exploitation. These women have limited access to legal redress mechanisms and even in cases where they are covered by the law, they have limited information about the support services available (UN Women 2013b).

The continued assistance provided by labour wings and labour attaches from South Asian countries are important. Experience suggests, however, that these could be more effective by coordinating and collaborating with host country stakeholders. The following good practices highlight cases where the countries of origin and destination have worked together, at times in collaboration with civil society groups, to better secure the rights and welfare of migrant workers, including irregular migrants.

Migration Regularization Scheme (Italy): In 2002 the government in Italy introduced the Migration Regularization Scheme, which led to the registration of approximately 450,000 workers (35.2 per cent of the total regularizations) as care workers, 84 per cent of whom were women. In 2006 the Italian Labour Ministry set annual quotas for foreign workers and assigned 45,000 (out of a total number of 170,000 applications) working permits for up to a year for care workers. In 2007 a national collective framework agreement for the employment of household service workers was introduced, which stipulated the minimum salaries for migrant workers employed in different types of households (Salis 2012, Levinson 2005).

Standard Employment Contracts (Jordan; UAE; Hong Kong, China): A practice that is increasingly used in many contexts involves developing a government-approved standard or model contract and requiring all employers and migrant workers use such contract to hire migrant workers. Some of the good practices of these include: 'Special Working Contract for Non-Jordanian Domestic Workers' which details the rights and responsibilities of the employers as well as domestic workers, including the responsibility of the employer to bear the costs of worker's travel, work and residence permits; timely payments of wages; adequate shelter, clothing, food and health care right to life and accident insurance; weekly

holiday; etc. The contract is to be used by all employers while hiring domestic workers and is a prerequisite for securing visas and work permits.

The UAE also mandates the use of standard employment contracts for domestic workers that specify the duration of the contract, salary, accommodation, health care, arrangements for settlements of disputes, adequate leave, and method for working with concerned embassies. Similarly, Hong Kong, China has developed the 'Employment Contract for Domestic Helper Recruited Abroad' that is required before workers are issued a work visa. The contract reflects the rights of migrant workers as elaborated in the Employment Ordinance and is considered the only legally binding contract for domestic workers in Hong Kong, China's labour courts.

Inspections of Employment Contract (Mauritius): In Mauritius, the Special Migrant Workers Unit in the Ministry of Labour inspects the employment conditions of migrant workers. The latter are accorded the same rights as nationals. The Special Migrant Workers Unit reviews employment contracts to ensure that they meet certain requirements; including insurance, living condition standards, return air ticket and health care.[147]

Labour Wings and Labour Attachés (Various sending countries): Labour wings or labour attachés are supported by the respective governments to address issues and concerns of labour migrants through embassies in the destination countries. The labour wings and attachés follow the development of the labour management laws in the country and how they relate to expatriate workers and the national government back home. In addition, they assist citizens when they encounter workplace difficulties, keep workers informed with up-to-date information about labour conditions in the country of destination, and provide inputs to national and international labour laws and policies in countries of origin and destination.

Some examples of initiatives taken by various embassies/consulates through their labour attachés/wings include: (i) Thailand's Office of Labour Affairs (OLA), which has 13 offices in 11 different countries and supports Thai workers with legal recourse, counselling and grievance redress; (ii) in the UAE and Jordan, labour attachés from the Philippines conduct inspections to check compliance with workers' contract, especially relating to accommodation and working conditions; and (iii) the Indian Embassy in Abu Dhabi and the Indian Consulate in Dubai have received assistance from the Indian Workers Resource Centre (IWRC), an outsourced facility in Dubai, on matters relating to Indian workers in the UAE. The services provided by IWRC include: a 24/7 helpline; counselling sessions for the Indian community and Indian workers on legal, financial and medical issues; and managing a shelter for runaway domestic workers.[148]

Representatives of Recruitment Agencies in Destination Countries (Indonesia): The law in Indonesia requires recruitment agencies to have representatives in the countries where Indonesian workers are employed. It also requires placement agencies to enrol workers in insurance programmes and bear all the costs of migration with the exception of fees associated with processing of identification documents, medical and psychological examination, training and competence certificates (UN Women 2013b).

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[147] See 'Special Migrant Unit,' available at http://labour.govmu.org/English/Department%20and%20Service/Pages/Labour-and-Industrial-Relations.aspx

[148] See 'Thailand and Migration Report, 2011,' available at http://publications.iom.int/bookstore/free/TMR_2011.pdf; 'Labour Migration in Asia: Protection of Migrant Workers, Support Services and Enhancing Development Benefits, 2005,' available at http://publications.iom.int/bookstore/free/Labour_Migration_Asia_2.pdf; and 'Indian Workers Resource Center,' available at http://www.iwrcuae.in/

Skills Development

Skills development of migrant workers is recognized as an important component in the migration process, especially with the feminization of migration from South Asia. However, most of these initiatives are one-off events and not conceptualized in a comprehensive manner. Benefits to the individual workers, their families and communities may be minimal. The examples below point to innovative ways of maximizing benefits from skills development initiatives such as conceptualizing skills development as a framework for co-development, using ICT in skills development programs, enhancing IT skills of migrant workers and their family members to enhance their employability, and working closely with host country governments to upgrade the skills of workers.

TULAY or Bridge Education Programme (the Philippines): The long-term separation of migrant workers from their families has social costs. Tulay (or Bridge Education Programme) is an innovative example of a public-private partnership to improve the technological literacy of migrants. The objectives of the program are: (i) to train overseas Filipino workers' (OFW) families on information and communication technology in order to facilitate communication and ensure that families remain in contact with each other; (ii) to enhance the IT skills of OFW families to improve their employability and value in the workplace; (iii) to support the use of IT skills that would assist OFWs in setting up businesses upon their return to the Philippines. In this programme, Microsoft Corporation works with the Overseas Workers Welfare Administration (OWWA) and local NGOs to establish community technology learning centres (CTLC) and provide IT-literacy training to OWWA-registered members and their dependents. As the targeted clients are migrant workers and their families, learning centres have been established in local communities in the Philippines and in destination countries that host a high numbers of OFW families. Microsoft provides the required software and hardware, training materials, and technical assistance, while, OWWA provides the annual budget for the operation of learning centres in the Philippines and abroad.[149]

Skills-Upgrading of Migrant Workers (Italy-Sri Lanka): An example of a skills-upgrading programme is a pilot programme for Sri Lankan care-givers of children and the elderly. The programme was conducted by the Italian Government, in collaboration with IOM, in the region of Tuscany that has a severe shortage of care workers. The participants received a 60-hour course on the Italian language and a 25-hour course in the field of personal care, which was conducted in collaboration with the training department of the Tuscan Regional Authorities in Colombo, Sri Lanka. The training was continued in Italy, and the successful completion led to an Italian "Personal Care Assistant" qualification. The programme beneficiaries' job placement was monitored for six months after the completion of the training. In most cases, the certification led to an increase in the salary for the caregiver. Additionally, the programme had provisions for a cultural mediator or translator in order to minimize difficulties arising out of the language barrier. This project has been replicated in Moldova with 200 selected workers.[150]

Humanitarian Organization for Migration Economics (HOME) (Singapore): Based in Singapore, HOME runs a Home Campus to provide direct assistance to migrants, and

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[149]   See Dovelyn Agunias and Neil Ruiz 'Protecting Overseas Workers: Lessons and Cautions from the Philippines,' Migration Policy Institute, September 2007.

[150]   See 'Pre-Departure Orientation and Language Training for Italy-bound Caregivers,' available at https://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/facilitating/cic_survey.pdf; See also, 'Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements,' available at http://www.unhcr.org/50aa5cfc9.pdf

victims of human trafficking and forced labour. In addition to English language and information technology (IT) programs, Home Campus provides a range of vocational training courses for domestic migrant workers. The students are able to improve their employment prospects by taking classes in areas such as baking, care-giving, cooking, cosmetology, dressmaking, IT and therapy. Help desks based at the Home Campus support victims of trafficking by providing them with paralegal support and conflict resolution counselling. They also assist victims report offences and violations to authorities, and, where possible, arrange mediation sessions between and among workers, their employers, and other relevant parties (The Protection Project 2012).

Pagesos Solidaris-Farmers Solidarity Foundation (Spain): Founded in 2001 in Spain, the Pagesos Solidaris aims to facilitate the integration of temporary seasonal migrant workers; promote development cooperation; and raise awareness on the current situation of rural communities around the world. It promotes the concept of circular co-development by linking the concepts of circular migration with the idea of cooperation and collaboration for the development of both the origin and destination countries. The focus of the programme is on three main areas. The first stage focuses on receiving and integrating temporary workers with provisions for accommodations and dissemination of relevant information in the workers' native language. The Foundation also manages 5,250 camps or housing units for temporary migrants. The second stage involves workshops for temporary migrant workers focusing on the formulation, identification and implementation of development projects to support the workers' families and home communities. Lastly, the program disseminates information about the current situation of rural communities with the aim of raising awareness.[151]

Social Protection

Protection for migrant workers from the South Asia region involves private insurance schemes provided by employers, mandatory requirement for life insurance prior to migration, and examples such as the Rastriya Swasthya Bima Yojana in India where health benefits have been extended to migrant workers. Lessons from the Portable Insurance Scheme in place in the European Union could be an area to explore for regional cooperation and integration, especially given the magnitude of regional migration.

Portable Insurance Schemes (European Union): The EU regulation 1408/71 aims at ensuring that all European citizens and Third-Country Nationals who reside legally within the European Union have the right to social security benefits when they move to another member state to stay, live or work. The Regulation does not replace the different national social security systems by a single European scheme but instead coordinates the social security schemes of EU member states. The member states are free to determine the details of their own social security systems, including the nature of benefits, the conditions of eligibility and the value of these benefits, as long as they adhere to the basic principle of equality of treatment and non-discrimination. In January 2006, the European Health Insurance Card was introduced and recognized by all EU Member States. The European Commission has prepared a Guide on "The Community provisions on social security: Your rights when moving within the European Union" which includes easily understandable information about the rights and obligations regarding social security systems whenever there are two or more member states of the European Union involved. The scheme has

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[151]   See, ILO, 'The Informal Economy and Decent Work: A Policy Resource Guide Supporting Transitions to Formality,' 2012. See also, http://www.pagesossolidaris.org/archivos/ca/ (In Spanish).

had a positive impact in terms of improving the social security access of migrant workers, including both the citizens of the EU and third countries, and can serve as an example to be applied in other regions of the world where regional integration processes are underway.[152]

Partnerships and Social Networking

Government-to-government bilateral agreements are common measures adopted to support safe migration. Unless these mechanisms have an explicit focus on gender issues, they tend to overlook women most of whom migrate using irregular channels, work in informal sector, and are engaged in domestic work. The following examples of partnerships and networks created to support female migrant workers who might be excluded from general government processes or mechanisms.

Improving Social Capital of Migrant Women (Ethiopia): The Biruh Tesfa Program, a partnership between the Population Council and the Ethiopian Ministry of Women, Children, and Youth Affairs (including its regional bureaus, and local administrations), is a programme implemented in low-income urban areas of Ethiopia and aimed at reducing the social isolation experienced by migrant girls. Based on the premise that strong social networks are essential to bring stability to the lives of migrant children, these hard-to-reach girls were recruited by mentors who went from door-to-door in the catchment areas. The programme gathered girls in a safe venue and provided training on basic financial literacy, STIs (including HIV), reproductive health, and **gender**-based violence. The girls were also given identification cards, referrals to social services, subsidized medical services, and material support, such as books, pencils, reusable sanitary pads, and soap. Girls in Biruh Tesfa were found to be more than twice as likely to report having social support as girls in control sites. They were also twice as likely to have high scores for their knowledge about STIs, where to obtain voluntary counselling and testing, and to want to be tested.[153]

Cooperation between trade unions (Germany-Poland): German and Polish unions from the construction and agriculture sectors have opened an office in Warsaw to disseminate information on working conditions and labour rights in Germany. The unions have supported bilateral and trilateral agreements between sending and receiving countries in which common union membership is acknowledged. This in turn has enabled German unions to assist migrants legally and organize the transfer of payments to the country of origin. In August 2003, the unions jointly published a bilingual information booklet aimed at Polish seasonal workers in Germany which contained information on the basic provisions concerning the employment contract; employers' legal obligations regarding health insurance; the national social benefit system; legal entitlement to paid leave, regulation on pay taxes and the legal minimum standards to be observed by employers concerning accommodation. It also provided the addresses and phone numbers of regional trade union offices.[154]

Migrant Workers Protection Society (MWPS) (Bahrain): Established in 2005 in Bahrain by expatriate workers to help migrant workers achieve their basic human rights in accor-

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[152] 'Pensions: Commission welcomes Council agreement on pension portability to facilitate EU worker mobility', available at http://europa.eu/rapid/press-release_MEMO-13-587_en.htm (accessed 31 August 2014)

[153] See http://www.popcouncil.org/research/biruh-tesfa-safe-spaces-for-out-of-school-girls-in-urban-slum -areas-of-ethi

[154] See "Repository of Talent Mobility Good Practices" available at: http://www.weforum.org/best-practices/ talent-mobility/trade-union-information-booklet-seasonal-foreign-workers-germany

dance with internationally recognized standards, MWPS provides support to expatriate workers, male and female, who have become victims of abuse or exploitation. Specific initiatives include: (i) temporary accommodation in an MWPS shelter (for females); (ii) support in arranging medical treatment, legal services and financial resources for visa fees and airline tickets in cases of repatriation; (iii) provision of translators to expatriate workers and follow-up work related to cases, which involves frequent, often daily, visits to police stations, recruitment agencies, the Ministry of Labour, embassies, hospitals, public prosecutor's office, and the courts; (iv) provision of food, clothing, bedding and toiletries for labourers in cases of need and organize safety awareness programmes; (v) arrangement of media coverage for cases and give presentations to create public awareness; and (vi) advocacy for policy change, when appropriate.[155]

Khmer Women's Cooperation for Development (KWCD) (Cambodia): KWCD is a Cambodian organization focusing on empowering young sex workers to negotiate for better working conditions and providing them with skills to save money and even seek alternative livelihood options. KWCD has created a "network of gatekeepers," including local government agencies, NGOs, donors, etc., each with a different role to protect victims and prevent trafficking. KWCD selected a large group of women in the entertainment industry and trained them to act as peer educators to reach out to other women in the industry and/or those at the risk of being trafficked into it. Self-help groups provide peer counselling to women on issues such as defence from violence and harassment, access to health and legal services, ways to monitor workplaces and report cases of abuse to the authorities, and access to credit and alternative employment opportunities.[156]

Household Workers Association (ASTRADOMES) (Nicaragua, El Salvador, Honduras, Guatemala, and Costa Rica): Established in 1991, the members of ASTRADOMES are Nicaraguan, Salvadoran, Honduran, and Guatemalan domestic workers in Costa Rica. ASTRADOMES works to enhance domestic workers' protection under national labour laws and educate workers and employers on their rights and responsibilities. Services provided by ASTRADOMES include: telephone service for domestic workers and employers; advice, support and legal guidance for female migrant workers facing any violations of their labour rights; temporary shelters for dismissed workers; training workshops on labour rights and duties, self-esteem, sexuality and reproductive health; and organization of social events in order to support workers' cultural identity.[157]

Repatriation, Rehabilitation and Reintegration

As described in Chapters 2 and 3 trafficking, for sexual as well as labour exploitation, is a major concern. The existing initiatives in the region such as the RRRI between India and Bangladesh on the rescue, repatriation and rehabilitation of victims of trafficking are important initiatives that have led to tangible results. However, these mechanisms are focused mostly on victims of sex trafficking, most of whom are women and children. The following are examples of initiatives geared more towards repatriation, rehabilitation and reintegration of migrant workers, including victims of trafficking. In particular, the Bienvenidos a Casa

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[155] 'Summary of MWPS', available at http://www.mwpsbahrain.com/about_us/summary-mwps.aml (accessed 31 August 2014)

[156] 'Human Trafficking', available at http://www.kwcd.org/detail-content.aspx?31&link-id=31&main=7&menu =Human%20Trafficking (accessed 30 May 2014).

[157] 'Asociasión de Trabajadoras Domesticas', available at http://astradomes.wordpress.com/; See also, Blofi eld 2012, ILO 2004.

Programme in Ecuador includes a broad range of facilities to support the return and rehabilitation of migrant workers, including tax exemptions, housing support, and credit facilities.

Assisted Voluntary Return and Reintegration Assistance (Congo-Uganda): The Assisted Voluntary Return and Reintegration Assistance (AVRR) programme was extended to undocumented Congolese women and their children stranded in Northern Uganda. The programme seeks to provide various types of assistance such as psycho-social counselling, shelter facilities, medical and nutritional assistance, family tracing; return and transit assistance; and socio-economic reintegration assistance. The programme involves a local NGO supported by IOM in the Democratic Republic of Congo who identifies and conducts mapping of socio-economic opportunities and refers beneficiaries for services like education, health/medical care, employment, identification documents to provide immediate and sustainable employment in the form of jobs, allowing women to gain sustainable financial independence (IOM 2012).

Bienvenidos a Casa (Welcome Home) Programme (Ecuador): In order to support returning migrants and their families, the National Ministry for Migrants (SENAMI) developed the Bienvenidos a Casa (Welcome Home) Program. The main elements of the program include: (i) tax exemptions for household belongings and work equipment up to USD 15,000; (ii) access to returnees to the Human Development Fund to start a business in a migration-prone area; (iii) preferential access to loans that provide USD 5,000 at 5 per cent interest for five years; and (iv) housing vouchers that are a direct and non-refundable subsidy to migrants and their families to buy a house (provided by the Government of Ecuador through the Ministry of Urban Development and Housing) (UNICEF 2010, Sciubb 2011).

Unlad Kabayan Migrant Services Foundation Inc. (Philippines): The Unlad Kabayan Migrant Services Foundation is an NGO founded in 1996 in the Philippines. The Foundation pioneered the approach of directing migrants' savings into business and enterprise development which would allow them to successfully reintegrate when they return to the Philippines. More specifically, through the Savings and Investment Mobilization (SIM) programme, training is provided in destination countries using the Migrant Savings and Alternative Investment (MSAI) for Community Development Reintegration methodology. The methodology essentially involves training Filipino migrant workers on business skills and financial literacy and informing them of the advantages of saving and investment. Migrant workers are then organized into Savings and Investment Groups (SIG) where they pool a proportion of their earnings, and decide on whether to save their money through a bank, invest in successful enterprises set up in the Philippines, or to start their own enterprise. By mobilizing the migrant workers' savings, the Foundation provides credit to micro-, small- and medium enterprises through the Credit Assistance Program (CAP) which comprises funds made available through the investments from migrant workers, and a P10 million credit line from the Development Bank of the Philippines (DBP). In addition, the Foundation also provides assistance in the incubation of businesses and the development of enterprises by migrant returnees.[158]

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[158]   'For more details on Unlad Kabayan Migrant Services Foundation,' see 'http://unladkabayan.org/

Conclusions

This chapter has explored a number of global good practices related to safe mobility with an emphasis on gender dimensions. Although many of these experiences have not been fully evaluated or critically examined, various elements of good practice can be identified. This list below outlines key factors identified in the previous discussion but is by no means exhaustive.

Policy Frameworks (including national, bilateral, and regional frameworks) – good practices include:
- Explicit mention/discussion of women and/or gender equality dimensions that go beyond a non-discrimination clause;
- Rights-based and grounded in the international normative framework (stressing the importance of the ratification and implementation of international conventions and agreements);
- Gender dimensions go beyond a consideration of trafficking and/or a consideration of women as only 'vulnerable victims';
- Inclusion of redress mechanisms for WMW when their rights have been violated;
- Set out obligations and responsibilities of both migrant receiving and sending countries;
- Guarantee the same labour standards for both local and foreign workers;
- Bilateral agreements for domestic workers outline guarantees and minimum working standards;
- In migrant receiving countries, residency is extended to spouses children and parents of the principal migration;
- At the level national frameworks, good practices include restricting overseas deployment to countries where the rights of migrant workers are respected, outlining information and support services for WMW, and setting a ceiling on recruitment fees that agencies are allowed to charge.

Good practices relating to redress mechanisms include:
- Regulation of recruitment agencies and their obligations regarding dispute mechanisms;
- A specific government mechanism that focuses on redress such as a complaints desk, tribunal or ombudsperson;
- Legal and other supports for MWM seeking redress (so they know their rights and are aware of the channels available to them);
- Specific 'migrant workers funds' that provide insurance coverage for unforeseen circumstances (injury, death, contract termination, etc.)
- Information hotlines and/or mobile apps to provide information to women migrants on their rights and the services available to them.

Border management initiative good practices include:
- Investments in non-security elements of border management, including information campaigns;
- Intra-government cooperation and coordination, with the example of one department responsible for all border-related issues;
- Capacity development and training for border management officials, so they are able to deal effectively with potential cases of trafficking;
- Improved use of ICT (smart cards, etc.) to facilitate border crossings.

Good practices relating to capacity building and awareness raising include:
- Training on gender dimensions of migration for government officials;
- Awareness raising campaigns aimed at the general public in receiving countries, potential migrants, journalists NGOs and other stakeholders;
- ICT training for migrants and their families to improve communication while the migrant is out of the country;[159]
- Innovative uses of media include soap operas, high profile campaigns by media organizations, advocacy initiatives on labour practices of specific companies and film festivals.

Good practices during the migration cycle include:
- *Pre-deployment*
  - Improvement of skills and opportunities for women workers (including financial literacy, vocational training, small business development, etc.);
  - Improved availability of information on the migration experience, including options in various countries (economic forecasts), rights, the role and responsibility of recruitment agencies, and sample contracts. This information can be made available through guidebooks, pre-departure orientations and seminars, migrant worker centres (especially outside of the capital city), hotlines, guidebooks and mobile apps. Involving former migrant workers can be particularly effective;
  - Involvement of multiple stakeholders (unions, NGOs, women's organizations, government agencies and departments, etc.);
  - Capacity building for government authorities (understanding the situation, rights and challenges of women migrant workers);
  - Advance establishment of remittance channels (bank accounts, transfer procedures, etc.);
  - Domestic regulations include terms of operation for recruitment agencies and approval of standard employment contracts (including publication in local languages).
- *During departure*
  - Labour desks (in airports) review the paperwork and situation of departing migrants;
  - Use of technology such as smart cards (provided they meet with privacy minimum standards);
  - For internal migrants -- information campaigns at arrival hubs (including bus and train stations) that outline legitimate employment options, social services, available supports and accommodation options.
- *In destination countries*
  - Labour wings and attaches based in Embassies that are equipped to deal with the specific needs of WMW, including domestic workers. Given that these workers are often isolated and face specific risks, particular strategies are required to reach to them;
  - National authorities ensure compliance with minimum standards in employment contracts and conditions;
  - Availability of language and skills training for foreign workers;

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[159]   One caution was noted earlier. There have been examples of husbands using mobile apps to maintain surveillance of family members, particularly wives, left at home. In these cases, there can be negative effects on women's mobility and agency.

- Encouragement of the organization of domestic workers (social, mutual support, educational organizations);
- Recruitment agencies are required to maintain representatives in destination countries to support compliance with employment contracts and respond to complaints.

- *On return*
  - Re-settling initiatives include both WMW and victims of trafficking;
  - Support for the immediate return needs (including a ticket home if in distress, shelter, counselling if required, financial support, family reconciliation counselling, etc.);
  - Programs that meet more intermediate resettling needs such as skills training, financial literacy, work search support, credit, and, if appropriate, business development services.

Conclusion

Migration has historically been and continues to be a salient feature of South Asia, with a diverse range of migration patterns and flows within as well as from the region. These include labour migration, marriage migration, internal as well as regional and international migration, trafficking, and forced displacement. The oil boom of the 1970s led to a major change in migration dynamics and all the countries in the region have transitioned from being immigrant-receiving countries to migrant-sending countries. As a result, remittances have become a significant source of income for South Asian countries, making labour migration an issue of immense national and regional significance. The steady but strong rise of migration for labour has been accompanied by an increasing feminization of migration, with more and more women joining men in the movement to seek alternative livelihoods. While migration offers empowerment opportunities to women by providing them a potential pathway towards economic independence, their involvement in labour migration has also been characterized by a greater likelihood of their emigrating through undocumented channels and increased the risks of being trafficked. As well, the sectors dominated by women migrant workers - such as domestic workers - tend to be low-paid and have poor working conditions.

As discussed in Chapter 3, in response to these phenomena, the countries of South Asia have instituted policies, signed bilateral agreements, and become party to regional and international instruments that seek to make migration safer in South Asia. They have also taken on general commitments to women's rights and specific commitments to women's safe mobility. For instance, all the countries in South Asia are now signatories to the Convention on Preventing and Combating Trafficking of Women and Children for Prostitution (2002). A Technical Committee on Women, Youth and Children was established under the SAARC Development Fund (SDF) in 2004. India amended the Immoral Traffic Prevention Act (ITPA) (1956) in 1986. In 2007 Nepal introduced the Human Trafficking and Transportation (Control) Act. Bangladesh has a comprehensive constitutional provision with strong equality and non-discriminatory clauses in relation to gender and mobility. The governments of the region have also been adept in revising and reviewing laws, practices and initiatives. Some examples are indeed outstanding. Institutional mechanisms, training programmes, capacity building initiatives, research leading to policy outcomes, trans-border cooperation mechanisms between governments and civil society actors serve as good practices worthy of being replicated elsewhere in the world. Many of these are outlined in Chapter 4.

At the same time, due to the changing nature of migration and gender relations, challenges to address the risks associated with female migration and ensuring effective implementation of existing initiatives remain. Initiatives in other contexts can provide useful pointers to help enhance the ongoing efforts in South Asia. In addition to the conclusions in the previous chapter, some of the key lessons that emerge from this review are outlined below.

Policy frameworks (regional, bilateral, in migrant sending countries and in migrant receiving countries)

- Gender-sensitive multilateral, regional and national policies are important to ensure the rights and welfare of migrant workers, both male and female. In addition to non-discrimination clauses, provisions to specifically address concerns and issues experienced by women migrant workers are crucial. Without explicit consideration of the situation of women migrant workers, there is no guarantee that their rights and specific circumstances will be either visible or addressed.

- Bilateral agreements between countries of origin and destination are important government-to-government mechanisms for protecting the rights of migrant workers. However, they are more effective when supplemented by complementary initiatives such as the development of model contracts; worksite monitoring, including labour inspections; dispute resolution mechanisms and access to justice; frequent monitoring of recruitment agencies; and support services for migrant workers in distress.

- Currently in the policy frameworks that include a gender dimension, women are seen as either domestic workers or the victims of human trafficking. However this does not capture the full range of women's experiences. For example there is a small but growing number of migrating women professionals within the region.[160] As the understanding of safe mobility increases and economies evolve, there will be a need for a more nuanced gender approach to and analysis of safe mobility that explores how women's and men's migration experiences differ and the most appropriate responses.

Meeting the needs of women migrant workers

- Labour/welfare desks established by most South Asian countries are important first steps which can be further strengthened by providing support services to migrant returnees. In addition to airports, transit hubs like bus stations and railway waiting areas are important spaces for disseminating information on safe migration, especially to internal migrants.

- In most cases, South Asian countries have been enforcing contractual agreements between the migrant workers and employers. Global good practices suggests that tripartite written contracts between migrant workers, recruitment agencies and the employers; or bilateral written contracts between migrant workers and recruitment agencies, and between migrant workers and employers are crucial in order to protect the rights of the workers, and provide means of redress when there is a breach of agreements. Some of the main elements of good contractual agreements include: signing contracts prior to permitting workers to migrate; abiding by minimum labour standards; detailing the rights and responsibilities of the parties to the contract; and creating mechanisms to ensure that the workers are aware of the provisions contained in the agreements, including requiring that the contracts are written in local languages.

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[160] M. Ali (2014) Presentation at the Validation Forum on Gender Dimensions of Regional Cooperation and Integration in South Asia. October 2014. Manila.

- Assistance to migrant workers in destination countries is essential and the labour wings and labour attaches are already providing this service. In addition, shelter homes that diplomatic missions as well as civil society groups have established, particularly in destination countries are good practices that are also in accordance with General Recommendation 26 which states that diplomatic services should protect the rights of female migrant workers by providing them quality support services with regards to medical care, counselling legal aid, and shelter, if required. Global good practices suggest that while most South Asian countries have adopted these measures, they can be enhanced by coordinating and collaborating with the host country stakeholders, including the respective governments, civil society groups and other stakeholders.

- Benefits from skills development for migrant workers can be multiplied when there is a framework for co-development between sending and receiving countries. Skills development programs that have used information technology and/or involved host country governments have performed well.

- Welfare measures for migrant workers such as portable insurance schemes (as adopted in the European Union) and comprehensive welfare funds that support migrant workers as well as their families (Philippines) can have tangible results for migrant workers.

Multi-stakeholder involvement and awareness raising

- Pre-departure preparation for migrant workers is more effective when it is done in coordination and collaboration with a wide range of stakeholders; delivered during pre-employment, pre-departure and post-arrival; and when it incorporates not only migrant workers but also their families, local government authorities and other stakeholders.

- Border management practices that focus on cross-border coordination and collaboration, inter-agency cooperation, mutual assistance between countries, and use of technology have led to significant reduction in cross-border crimes, including human trafficking. Capacity building for border personnel can include skills related to the prevention and detection of human trafficking and the promotion of human rights. Efforts to create more representative border management institutions are also promising (for example, increasing the number of women, civilian oversight and collaborative relationships with civil society organizations).

- Use of mass media to create awareness on issues of gender equality and safe migration has proved to be effective. Ongoing initiatives by large media houses such as CNN, and private organizations as part of their corporate social responsibility can be tapped into to address issues of safe mobility at the global level.

In conclusion, there are lessons on the effectiveness of consolidating essential legal and administrative reforms, in identifying potential areas of opportunities for effective support from different groups to ensure the safe mobility of women, and in improving the skills and capacity of government and civil society actors to effectively carry out their activities with greater gender sensitivity. Cross-fertilization of ideas whereby South Asia learns from other countries whilst showcasing what has worked in the region can assist governments and other stakeholders around the world to better address the risks and impacts associated with unsafe migration.

As part of this process there is a need for improved data collection, research and review of specific experiences and initiatives. Only through stronger evidence-based approaches will there be a clearer understanding of the complex experience of women migrant workers -- the benefits and the challenges. Sex disaggregation and better data management that capture and differentiate different types of movements is crucial. Gender analysis of services, policies, programs and initiatives can play an important role in strengthening safe mobility initiatives. More frequent evaluations of what actually works are needed in order enrich the understanding of good practices and replicability of initiatives.

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